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November 22, 2020

Electronically Delivered to:

crichards@baltimorecountymd.gov

Mr. Carl Richards, Zoning Supervisor

111 West Chesapeake Avenue

Towson, Maryland 21204

Re: 1811 Hilltop Avenue, Full-Service Marina Use

Prior Case No. 1948-1207-X

Spirit & Intent Letter

Dear Mr. Richards,

I write to you today on behalf of my client, Mr. Frank Lampron who is the contract purchaser of the subject marina property located at 1811 Hilltop Avenue situated on Hopkins Creek in Essex Maryland. The property is improved with a full-service marina operation consisting of 30 boat slips, a large parking lot, a marina office & caretaker's residence as shown on the attached exhibits.

The property is currently zoned DR 3.5. However, the subject site was approved for a marina use by way of a special exception hearing held in 1948. Attached to this letter is the entire file from Case No. 1948-1207-X. The property was approved for a marina use in 1948 and has operated in that fashion for the past 72 years. My client, after settling on the purchase of this marina business, intends to replace the old and outdated piers, boat slips and mooring poles with all new construction. The purpose of this letter is to seek your approval that the proposed replacement of the piers and boat slips is within the spirit and intent of the original special exception hearing held in 1948.

The existing marina business is depicted on the attached aerial photographs as well as the "Plan to Accompany this Spirit and Intent Letter", which plan has been prepared by Mr. Craig Rodgers of Craig Consulting, LLC. Mr. Rodgers has shown on his site plan the existing pier configuration (highlighted in gray), the proposed replacement pier and mooring poles (highlighted in pink) and the pier as approved in the original 1948 case (highlighted in green).

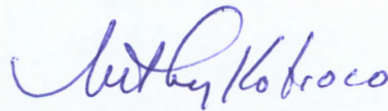
As you can see from Mr. Rodger's plan, the new pier will remain within the footprint of the current improvements on the property. In addition, all new improvements will comply with the setback requirements as imposed by the BCZR and no variances will be needed.

Spirit & Intent Letter
Full-Service marina
1811 Hilltop Avenue, Essex MD
Page 2

We intend to file our renovation plan with the Development Review Committee and wanted to gain your approval prior to filing that application. Should you agree with our assessment; that the renovation and replacement of the piers and boat slips as depicted on the attached site plan is within the spirit and intent of the original special exception approval in Case No. 1948-1207-X, then we would respectfully request that you affix your signature below evidencing your approval.

Thank you for your kind consideration of this matter.

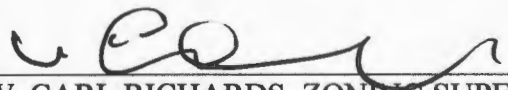
Sincerely,



Timothy M. Kotroco

TMK/eak
Attachments

BASED UPON THE INFORMATION PROVIDED WITHIN THIS LETTER AND THE ATTACHED EXHIBITS, IT IS DETERMINED THAT THE REPLACEMENT AND RECONSTRUCTION OF THE PIERS, MOORING POLES AND BOAT SLIPS AS SHOWN ON THE ATTACHED SITE PLAN TO ACCOMPANY THIS LETTER ARE WITHIN THE SPIRIT AND INTENT OF THE DECISION OF THE BOARD OF APPEALS IN CASE NO. 1948-1207-X AND NEED NO FURTHER ZONING RELIEF.



W. CARL RICHARDS, ZONING SUPERVISOR

11/23/20

DATE







MLS



Baltimore County - My Neighborhood



RE: PETITION FOR SPECIAL PERMIT FOR
BOATYARD - EAST SIDE OF HILLTOP
AVE., 15TH DISTRICT OF BALTIMORE
COUNTY, HELMAR POSPIECH,
PETITIONER

Upon hearing on appeal on the 1st day of July, 1948 from the Order of the Zoning Commissioner of Baltimore County, passed on the 3rd day of June, 1948, denying the petition for Special Permit, in the above matter, and it appearing from the facts and evidence adduced at the appeal hearing that the petition should have been granted, due to the fact that the granting of same will not adversely affect adjoining or adjacent property, there being no valid reason from the standpoint of safety, health and morals for the refusal of such petition, therefore:

It is this 12th day of July, 1948, ORDERED by the Board of Zoning Appeals of Baltimore County that the above Order of the Zoning Commissioner in denying the petition that the petition for Special Permit to use the property described in the within petition for Boatyard be and the same is hereby granted subject to such requirements as may be prescribed by the Zoning Regulations of Baltimore County.

Samuel H. Thompson
William G. Papp
John J. Papp
Board of Zoning Appeals
of Baltimore County

Mr. Charles H. Deing,
Zoning Commissioner of
Baltimore County,
Towson Maryland.

Mr. Commissioner:

Re: Petition for Special Permit
southeast side Hilltop
Ave., Middleborough,
15th District, Helmar Pospiech
Petitioner

Please enter on appeal from your decision
passed on June 3, 1948 denying the petition for special
permit in the above entitled matter and transmit all
papers to the Board of Zoning Appeals of Baltimore County.

Helmar Pospiech
Petitioner

RECD JUN 8 1948

RE: PETITION FOR SPECIAL PERMIT EAST SIDE OF
HILLTOP AVENUE, 15TH DISTRICT OF BALTIMORE
COUNTY, HELMAR POSPIECH, PETITIONER

Upon hearing on petition for a Special Permit to use
the property described therein for Boat Yard and/or Marine
Railway and it appearing by reason of location said petition
should be denied for the following reasons:

That among other things the applicant proposes to build
a bulkhead in front of his lot, from which he proposes to build a
pier extending 75' out into the creek. Across the end of this
pier he proposes to build another pier 130' long forming a T. Party
beyond this he proposes to drive a line of piling to form
slips for the storage of motor boats. The creek at this point is
said to be less than 300' wide. It is plain to see that the boats
to be stored will extend more than half way across the entire
creek. This proposed pier and boats so extending out into the
creek will interfere with navigation to and from adjacent property
and will interfere with the riparian rights of other owners.

There are already a large number of boats regularly
docked or stored in the creek upon which the property described in
said petition abuts. These boats already pollute the water and to
increase their number would interfere with bathing and may create
a menace to health. The road leading to said property is narrow and
is hardly safe for public travel. To increase the traffic thereon
would definitely create a traffic hazard.

In addition to a boat yard and marine railway the applicant
intends to build a shop 30' x 50' on the lot in question for the purpose
of repairing and building rowboats and speed boats. The repairing
and building of boats will not only be a commercial operation but will
be, in fact, an industrial operation, both of which are not permitted
in a residential zone. To allow these uses is tantamount to spot
zoning.

The lot in question is too rugged to permit off-street park-
ing of automobiles thereon. It is true that across the public road
and near the lot in question the applicant owns a residential lot
which he proposes to use for customer parking in connection with his
proposed business. The use of this residential lot for parking in con-
nection with a commercial use is likewise not permitted under the
Zoning Regulations.

THEREFORE, it is this 3rd day of June, 1948, ORDERED
by the Zoning Commissioner of Baltimore County that the aforesaid
petition be and the same is hereby denied.

John J. Papp
Zoning Commissioner
of Baltimore County

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF
Petition of
Helmar Pospiech

FOR A Special Permit

To The Zoning Commissioner of Baltimore

Helmar Pospiech

Legal Owner

Contract
Purchaser

herby petition for a Special Permit, under the Zoning Regulations
and Restrictions passed by the County Commissioners of Baltimore
County, agreeable to Chapter 877 of the Acts of the General Assem-
bly of Maryland of 1947, for a certain permit and use, as provided
under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now
or be erected thereon) heretofore described for Boat Yard and/or
Marine Railway

Situate on southeast side of Hilltop Ave., Middleborough, 15th District of
Baltimore Co., beginning 244' southeasterly from Oakfield Ave., if extended
southeast, thence westerly, on southeast side of Hilltop Ave., 150' with
an average rectangular depth southeasterly of 100' to the northwest shore
of Porter Cove. Lots Nos. 25, 26 and 27 as shown on plat filed with the
Zoning Dept.

Helmar Pospiech

Contract Purchaser

Legal Owner

Address

Helmar Pospiech
Box 330
Rt 16 Balto. 21

ORDERED by the Zoning Commissioner of Baltimore
County this 12th day of May, 1948
that the subject matter of this petition be advertised in
a newspaper of general circulation throughout Baltimore
County and that the property be posted, as required by the
Zoning Regulations and Act of Assembly aforesaid, and that
a public hearing thereon be had in the office of the Zoning
Commissioner of Baltimore County, Maryland, on the 1st
day of June, 1948, at 11:00 o'clock
A.M.

Zoning Commissioner
of Baltimore County

Location - S.E. Hilltop Avenue, Middleborough, 15th Dist.

Owner - Helmar Pospiech

Present Zoning - "A" Residence

Date Submitted - May 14, 1948

Proposed Zoning - Special Permit for
boat yard and/or marine railway

Date of Reply - May 23, 1948

There do not seem to be any planning factors involved in the disposition
of this special permit.

William G. Papp
William G. Papp, Director
Baltimore County Planning Commission

cc: Charles H. Deing
John J. Papp
William G. Papp

into final - Annex further Petition
PETITION FOR SPECIAL PERMIT #1207-S

May 11, 1948

\$25.00

RECEIVED of Helmar Pospiech, the sum of Eighteen
(\$18.00) Dollars, being cost of petition for special permit,
advertising and posting of property, east side of Hilltop
Avenue, 15th District of Baltimore County.

Zoning Commissioner.

Hearings:
Tuesday, June 2, 1948
at 11:00 A.M.

PAID
MAY 15 1948

June 8, 1948

\$22.00

RECEIVED of Helmar Pospiech the sum of Twenty
Two (\$22.00) Dollars, being cost of appeal to the Board
of Zoning Appeals of Baltimore County from the decision
of the Zoning Commissioner denying the petition for
Special Permit for Boat Yard on southeast side of Hilltop
Avenue, 15th District of Baltimore County.

Zoning Commissioner

PAID
JUN 10 1948

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

1207

District 15 Date of Posting May 25/48
Posted for: Mquine Railway and/or Boat Yard
Petitioner: Helmar Prospiech
Location of property: SE side of Hilltop Ave 254 feet
southeast of Oakfield Road
Location of Signs: SE side of Hilltop Ave 329 feet
southeast of Oakfield Road
Remarks:
Posted by Harry C. Gartside Date of return: May 25/48
Signature

ZONING DEPARTMENT OF BALTIMORE COUNTY. RE: PETITION FOR SPECIAL PERMIT—15TH DIST.

PURSUANT to petition filed with the Zoning Commissioner of Baltimore County, for Special Permit for Boat Yard and/or Marine Railway, the Zoning Commissioner of Baltimore County, by authority of the Zoning Acts and Regulations of Baltimore County, will hold a public hearing at the Zoning Office, in the Heckard Building, Towson, Baltimore County, Maryland, on Tuesday, June 1, 1948.

At 11:00 A. M., to determine whether or not the Special Permit petitioned for as aforesaid, should be granted, the property in said petition being particularly described as follows, to wit:

All that parcel of land situate on the southeast side of Hilltop Avenue, Middleborough, in the 15th District of Baltimore County, beginning 241 ft. southeasterly from Oakfield Avenue, if extended southward, thence easterly, on the southeast side of Hilltop Avenue, 114 ft. with an average rectangular depth southeasterly of 100 ft. to the northwest shore of Price Cove, being Lots Nos. 25, 26 and 27 on plat filed with the Zoning Department.

By Order of CHAR. B. DOING,
Zoning Commissioner of
Baltimore County.
May 24-25.

REC'D MAY 24 1948

1207-5

CERTIFICATE OF PUBLICATION

TOWSON, MD.

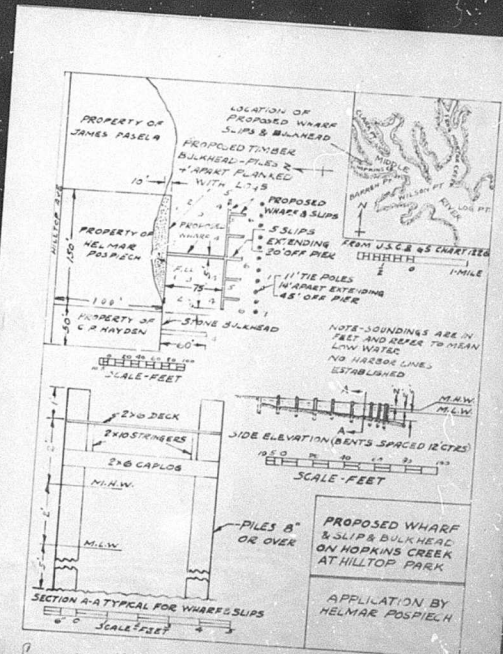
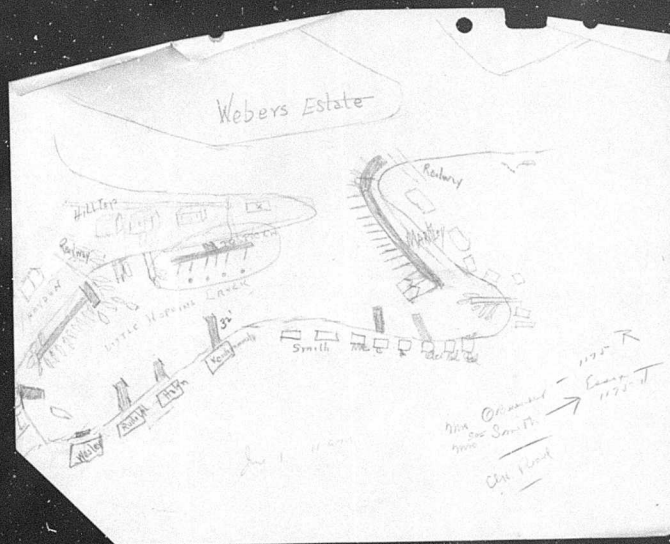
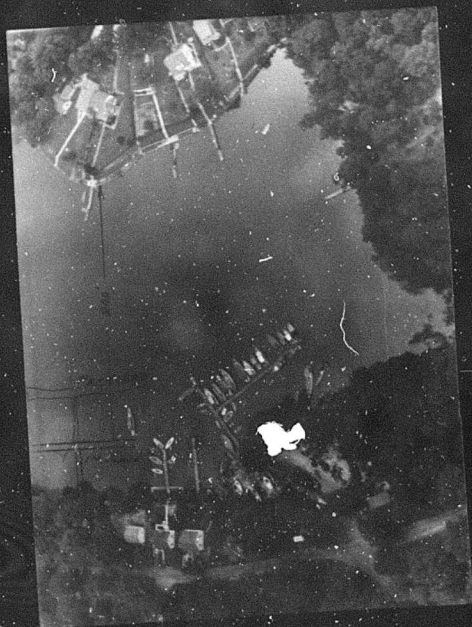
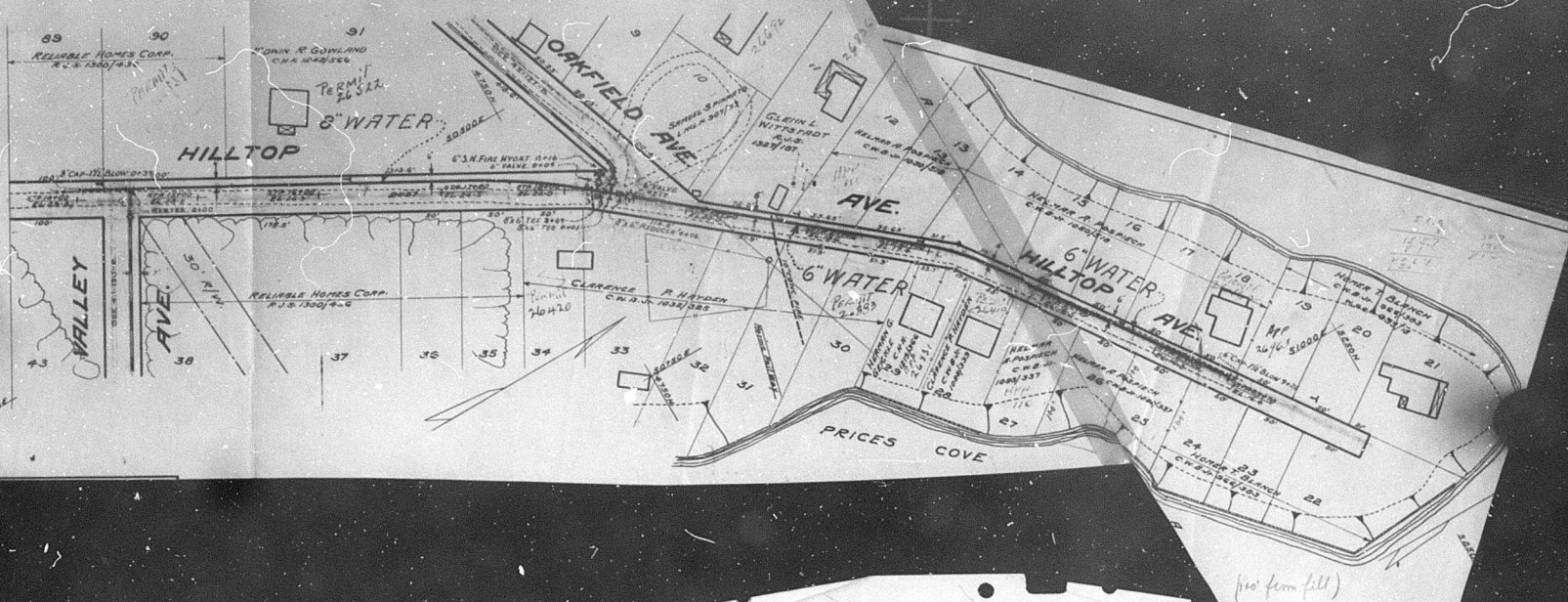
May 31/48

THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once in each~~ of 2 successive weeks before the 1st day of June 1948, the first publication appearing on the 14th day of May 1948.

THE JEFFERSONIAN,

Manager.

Cost of Advertisement, \$.....



Case 342-R.
Mr. Pasala