

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Albert J. Fertitta, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone; for the following reasons:

- (1) Change in neighborhood
- (2) Change in circumstances

See attached description

and (2) for a special exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for a boat yard in an R-6 zone

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser Albert J. Fertitta Legal Owner
Address Box 20, Rt. 10, Baltimore, Md. 21219

William E. Chamberlain
Petitioner's Attorney
Address 1760 Eastern Blvd., Baltimore, Maryland 21221

Ernest C. Trimble, Esq.
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of April, 1971, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on 25th day of May, 1971, at 11:30 o'clock.

Edward P. Harder
Zoning Commissioner of Baltimore County.

(over)

LAMBERT BROWN * IN THE CIRCUIT COURT
WILLIAM E. CRAMPTON * FOR BALTIMORE COUNTY
JOSEPH GERHARDT *
Appellants * AT LAW
vs. *
PETITIONER * MISC. 9/84/4614
FOR A BOAT YARD * 70-215-X
5/8 CORNICA ROAD 606' E. OF *
MILES ROAD, 15TH DISTRICT *
ALBERT J. FERTITTA, PETITIONER *

MEMORANDUM OPINION

AND ORDER

This is an appeal by the Protestants from the decision of the Baltimore County Board of Appeals dated December 18, 1970, wherein the Board granted a special exception for a boat yard to the Petitioner-Appellee. The subject property is located on the south side of Cornica Road, 686 feet east of Miles Road in the Fifteenth Election District of Baltimore County, Maryland. On March 23, 1971, a hearing was held before this Court at which time counsel for the parties presented legal arguments to the Court in support of their position. No testimony was taken.

The Appellants argue that the Board was incorrect in granting the special exception pursuant to Section 270 of the Baltimore County Zoning Regulations which allows for a special exception of a boat yard in an R-6 zone. More specifically, they contend that the evidence before the Board was insufficient to meet the requirements of Section 502.1 of the Zoning Regulations.

Section 502.1 of the Zoning Regulations states:

"Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

the Board mindful of the fact that the burden of proof is upon the Petitioner to satisfy the requirements of Sec. 502.1 of the Zoning Regulations. The Court has also reviewed the testimony in relation to the Board's restrictions placed upon the use with regard to its discretion in doing so. From a reading of the testimony it is clear to this Court that the issue of whether the Petitioner met that burden of proof necessary to meet the requirements of Section 502.1 is one which is fairly debatable. The testimony produced before the Board or behalf of the Petitioner, coupled with the actual inspection of the premises by the Board, create to the satisfaction of this Court that the Board's Order with its eight restrictions was supported by substantial evidence in the record and that the issues before the Board as to the meeting of the requirements of Section 502.1 were fairly debatable issues.

It is, therefore, ORDERED by the Circuit Court for Baltimore County, this 17th day of April, 1971, that the Order of the Board dated December 18, 1970, be and the same is hereby AFFIRMED.

H. Kenneth MacDaniel
H. KENNETH MACDANIEL
JUDGE

Copy to:
Ernest C. Trimble, Esq.
William Chamberlain, Esq.
County Board of Appeals
Frederick W. Invernizzi, Director, Adm. Office of Courts
Eugene Creed, Adm.

- a. Be detrimental to the health, safety, or general welfare of the locality involved;
- b. Tend to create congestion in roads, streets or alleys therein;
- c. Create a potential hazard from fire, panic or other dangers;
- d. Tend to overcrowd land and cause undue concentration of population;
- e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- f. Interfere with adequate light and air."

In its opinion the Board held that the Petitioner had satisfied the requirements of Section 502.1 and limited the boat yard exception to the following uses, namely:

1. Marine fueling;
2. Snack bar sales;
3. Miscellaneous marine supplies sales;
4. Berthing of boats at pier;
5. Use of launching ramp.

In addition, the Board in its Order laid down eight restrictions limiting the use to provide additional protection to the surrounding neighborhood. (See Order of Board of December 18, 1970.)

There have been fundamental principles repeated many times by the Court of Appeals with reference to the proper scope of review by the courts in zoning appeals. In C. F. Haldemann v. Board of County Commissioners of Howard County, Et al, 253 Md. 298 (1969), the Court, in an opinion by Judge Singley, said:

"We have often repeated the principles here applicable: courts have no power to rezone and may not substitute their judgment for that of the expertise of the zoning authority. Kirkman vs.

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Montgomery County Council, 251 Md. 273, 247 A.2d 255 (1968); Bosley vs. Hospital for Consumptives, 246 Md. 197, 227 A.2d 746 (1967); Board of County Comm'rs for Prince George's County vs. Park, 242 Md. 315, 218 A.2d 923 (1966). It has long been settled that the zoning authority's determination is correct if there were such legally sufficient evidence as would make the question fairly debatable. Ark Redi-Mix Concrete Corp. vs. Smith, 251 Md. 1, 246 A.2d 220 (1968); Mayor and City Council of Greenbelt vs. Bd. of County Comm'rs for Prince George's County, 247 Md. 670, 234 A.2d 140 (1967); Anneslane, Inc. vs. Lucas, 247 Md. 612, 233 A.2d 757 (1967). Further, the one who attacks the determination made by the authority must show that it was arbitrary, unreasonable or capricious. Kirkman vs. Montgomery County Council, supra; Anneslane, Inc. vs. Lucas, supra; Bosley vs. Hospital for Consumptives, supra; Mayor & City Council of Balto. vs. Sapers, 230 Md. 291, 186 A.2d 684 (1962)."

This Court has read the lengthy transcript of the record in this case, has reviewed all the exhibits, has listened to arguments of counsel and has read memoranda of law submitted by both counsel. The question to be decided by this Court is whether or not the issues before the Board were fairly debatable issues and whether or not the determinations of the Board were supported by substantial evidence. This Court completely realizes that it has no authority to substitute its judgment for that of the zoning authority but can merely review the record to determine whether or not the issues were as quoted before "fairly debatable" and whether or not the determinations of the Board were supported by substantial evidence.

The Appellants have the burden of proving to this Court that the action of the Board was arbitrary, unreasonable or capricious.

This Court has reviewed all the testimony before

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hurdesty, Zoning Commissioner Date: May 22, 1971
FROM: George E. Gowell, Director of Planning
SUBJECT: Petition 70-215-X, Southside of Cornica Road 606 feet East of Miles Rd. Petition for Special Exception for a Boat Yard.
Albert J. Fertitta - Petitioner

15th District

HEARING: Monday, May 25, 1970 (11:00 A.M.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for Special Exception for a Boat Yard. It notes the comments of the Department of Traffic Engineering which were made in connection with review of the petition by the Zoning Advisory Committee. We question whether or not the existing street width - particularly Cornica Road - is capable of accommodating traffic generated by the boat yard. We especially question the capability of the road to handle boat trailers. We know of no improvement scheduled for Cornica Road.

If the petition is to be granted, the granting should be granted on a clear showing of compliance with the standards for special exceptions as set forth in Section 502.1 of the Zoning Regulations and conditioned upon strict compliance with the plan approved by the appropriate public agencies.

GEG:gmh

The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

TOWSON, MARYLAND 21204

February 17, 1971

Ernest C. Trimble, Esq.
404 Jefferson Building
Towson, Maryland 21204

William E. Chamberlain, Esq.
1760 Eastern Boulevard
Baltimore, Maryland 21221

Gentlemen:

Re: Misc. Case 9/84/4614
Brown, Crampton, Gerhardt, vs. Bd. of Appeals

The above Administrative Appeal has been assigned to me for hearing. Before a date can be set it will be necessary that Local Rule 2.3 be complied with. This Rule reads as follows:

"A. In all appeals to this Court from administrative agencies, the appellant shall, within thirty days from the date that the record is filed in this Court, file with the Clerk and serve on all opposing counsel a memorandum containing the following:

- (1) Points of law;
- (2) Legal authorities; and
- (3) Citation of particular portions of the record transcript in support of appellant's position.

"B. Appellee shall file with the Clerk and serve on all opposing counsel a reply memorandum (containing points of law, legal authorities, and citation of particular portions of the record transcript in support of appellee's position) within fifteen days after receipt of appellant's memorandum."

The transcript of record in this case was filed February 11, 1971. Kindly notify me when the appellant's memorandum is filed.

Very truly yours,

H. Kenneth MacDaniel

H00acDmo
cc: County Board of Appeals

LANBERT BROWN, WILLIAM F. CRAMPTON, JOSEPH GERNARDT, Appellants.
RE: PETITION FOR SPECIAL EXCEPTION for a Boat Yard S/S Corsica Road 686' E. of Miles Road, 15th District, Albert J. Fertitta, Petitioner
70-215-X
BALTIMORE COUNTY

ORDER OF APPEAL

MR. CLERK:

On behalf of LANBERT BROWN, 358 Miles Road, WILLIAM F. CRAMPTON, 350 Miles Road and JOSEPH GERNARDT, 2231 Corsica Road, each of whom were parties to the proceedings and present before the Board of Appeals of Baltimore County, residents, property owners, and taxpayers in the immediate vicinity of the subject property and parties aggrieved by the decision of the Board of Appeals of Baltimore County, please enter an Appeal to the Circuit Court for Baltimore County from the special Exception granted in the above-entitled case by the Order of the Baltimore County Board of Appeals dated December 18, 1970.

ERNEST C. TRIMBLE,
404 Jefferson Building
Towson, Maryland 21204
Telephone: 825-5512
Attorney for Protestants/
Appellants.

I HEREBY CERTIFY that on this 15th day of January, 1971, a copy of the foregoing Order of Appeal was delivered to the office of the Board of Appeals of Baltimore County.

Ernest C. Trimble

RE: PETITION FOR SPECIAL EXCEPTION for a Boat Yard S/S Corsica Road 686' E. of Miles Road, 15th District, Albert J. Fertitta, Petitioner
Zoning File 70-215-X
Lambert Brown, et al
Protestants-Appellants
IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 9
Folio No. 84
File No. 4614

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come John A. Slowik, W. Giles Parker and Walter A. Reiter, Jr., consulting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 70-215-X
Apr. 7, 1970 Petition of Albert J. Fertitta for special exception for a Boat Yard in an R-6 zone, on property located on the south side of Corsica Road 686 feet east of Miles Road, 15th District - filed
" 7 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for May 25, 1970 at 11:00 a.m.
" 27 Comments of Baltimore County Zoning Advisory Committee - filed
May 7 Certification of Publication in newspaper - filed
" 7 Certificate of Posting of property - filed
" 22 Comments of Director of Planning - filed
" 22 At 11:00 a.m. hearing held on petition by Zoning Commissioner - case held sub curia
June 25 Order of Zoning Commissioner denying special exception
July 10 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner
Oct. 22 Hearing on appeal before County Board of Appeals - case held sub curia

Fertitta - 9/84/4614

Dec. 18, 1970 Order of County Board of Appeals granting special exception, subject to eight restrictions
Jan. 15, 1971 Order for Appeal filed in the Circuit Court for Baltimore County by Ernest C. Trimble, Esq., attorney for Protestants, Lambert Brown, et al
" 15 Petition to Accompany Order for Appeal filed in the Circuit Court for Baltimore County
" 15 Certificate of Notice sent to all interested parties
Feb. 11 Transcript of testimony filed - 1 volume

Petitioner's Exhibit No. 1 - Transcript of Zoning Commissioner's hearing - 5/26/70
" " 2 - Plat of subject property by Raphael dated March, 1970
" " 3 - Enlarged copy of U.S. Geodetic Survey #1226 of MAY, 1969 - updated as of August, 1969
" " 4 - Recorded Plat of Middle-Lea, dated 1/30/69 - Book 32/54
" " 5 - Public Works Agreement #156811 - Formoff - 11/19/68
Protestants' Exhibit A - List of Protestants present at hearing
" " B - Plat of Middleborough 4/191
" " C - 1 to 12 - Photos by Mr. Brown
" " D - 3 Photos on cardboard
" " E - List of Protestants present at hearing

Feb. 11 Record of proceedings filed in the Circuit Court for Baltimore County
Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your Respondents will produce any and all such rules and regulations, together with the zoning use district maps, at the hearing on this appeal or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

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502.1; on the other hand the Appellee respectfully says that there was no competent evidence presented at any of the hearings herein to the effect that the proposed operation would be detrimental to the health, safety and general welfare of the locality, cause congestion in the roads, cause potential hazard from fire, panic or other dangers, cause overcrowding of the land, or interference with adequate light and air; and your Petitioner respectfully says that the only evidence presented by the Appellant before the County Board of Appeals consisted of a mis-statement of facts with an indignant and vindictive accusations stemming from an old feud having no bearing upon the issues presented before the County Board of Appeals; and the Petitioner further says, that the premises in question were personally inspected by a member or members of the Board of Appeals during the period of time that the said Board was deliberating on the issues presented to it through the Zoning Regulations and the Appellee's presentation of expert testimony.

4. The Appellee alleges that, although the certification on the Petition of Appeal indicates that the same was mailed in the month of January to the Board of Appeals of Baltimore County, the said copy of the said Petition was never delivered to the Attorney for the Appellee until the 1st day of March, 1971, and the Appellee further alleges that the within Answer to the Petition of Appeal is timely filed.

WHEREFORE, your Appellee prays that the Petition of Appeal, and the Appeal heretofore entered in these proceedings be dismissed.

William E. Chamberlain
1750 Eastern Blvd.,
Baltimore, Maryland 21221
895-0453
Attorney for Appellee

I HEREBY CERTIFY that on this 29th day of March, 1971, a copy of the foregoing Appellee's Answer to Petition of Appeal was mailed to Ernest C. Trimble, Esq., 404 Jefferson Building, Towson, Maryland 21204, Attorney for Protestants/Appellants and the County Board of Appeals, Court House, Towson, Maryland 21204.

William E. Chamberlain

RE: PETITION FOR SPECIAL EXCEPTION for a Boat Yard S/S Corsica Road 686' E. of Miles Road, 15th District, Albert J. Fertitta, Petitioner
Zoning File 70-215-X
Lambert Brown, et al
Protestants-Appellants
IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 9
Folio No. 84
File No. 4614

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please file, &c.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

cc: William E. Chamberlain, Esq.
Ernest C. Trimble, Esq.
Zoning

RE: PETITION FOR SPECIAL EXCEPTION for a Boat Yard S/S Corsica Road 686' E. of Miles Road, 15th District, Albert J. Fertitta, Petitioner
Lambert Brown, et al
Protestants-Appellants
ON REMAND FROM THE COURT OF APPEALS
OF MARYLAND
Zoning File 70-215-X
Court of Appeals #119
September Term, 1971

AMENDED ORDER

WHEREAS, by Order of the Maryland Court of Appeals in the proceedings concerning the above entitled case on appeal to the Court, an Order was passed by the Court on December 14, 1971, affirming the granting of the Special Exception but remanding the case to require:

" . . . the County Board of Appeals to include in its Order granting the Special Exception the five limitations on use set out in its Opinion and, as modified, affirmed, . . . "

THEREFORE, in accordance with the aforementioned Order of the Court, the previous Order of the Board, dated December 18, 1970, is hereby amended as follows:

ORDER

For the reasons set forth above, it is this 17th day of April, 1972, by the County Board of Appeals, ORDERED that its previous Order, dated the 18th day of December, 1970, granting the Special Exception, in addition to the eight restrictions recited therein, is hereby amended to include that the Special Exception use be limited to the following:

1. Marine fueling
2. Dock box sales
3. Miscellaneous marine supplies sale
4. Berthing of boats at pier
5. Use of launching ramp.

Albert J. Fertitta - #70-215-X
Court of Appeals #119, Sept. Term, 1971

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

John A. Slowik, Chairman

W. Giles Parker

Walter A. Reiter, Jr.

JUN 25 1972

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for a Boat Yard : COUNTY BOARD OF APPEALS
5/5 Corsica Road 686' : OF
E. of Miles Road : BALTIMORE COUNTY
15th District :
Albert J. Feritto, :
Petitioner :
No. 70-215-X

OPINION

This case comes before the Board on an appeal by the Petitioner from a decision of the Zoning Commissioner, dated June 25, 1970, denying the requested special exception to operate a Boat Yard in an existing R-6 zone.

The subject property is located on the south side of Corsica Road, 686 feet east of Miles Road in the Middleborough section of the Fifteenth Election District of Baltimore County. It is a waterfront property situated on the north side of Norman Creek, a tributary of Middle River. It consists of lots #207, #208 and #209, each averaging 50 feet wide, and varying in depth from 712 feet to 268 feet, containing 0.726 acres, as shown on the plat entered in evidence as Petitioner's Exhibit #2. Testimony revealed that Norman Creek at this point is approximately 1,000 feet wide. The Crescent Boat Club Marina is located across the creek from the subject. Middleview Marina is located about 2,000 feet upstream from the subject, at the head of Norman Creek. A modern bar and restaurant, known as Middleborough Inn, is located across Corsica Road about 750 feet from the subject. A tavern and grocery store are located at the corner of Miles and Middleborough Roads. The neighboring waterfront lots are densely developed with residences ranging from old summer shacks to very nice modern brick homes. Contiguous to the east of the subject is "Middle Lea", a small development of new bungalows. Four houses have been constructed and nine more are to be built. They range in value from \$16,000 to \$22,500.

The subject property is improved by a tenant occupied remodeled frame shingled bungalow on lot #207; a vacant unfinished frame bungalow with store front and a separate 8 x 14 foot masonry snack bar building are on lot #208, and an old vacant two-story dwelling is on lot #209. Lot #208 also has a pier 140 feet long, and Lot

Albert J. Feritto - #70-215-X

2.

#209 has a shorter pier. There is no pier on Lot #207 but a concrete boat launching ramp, approximately 12 to 15 feet wide, straddles parts of Lots #207 and #208. Two gasoline service pumps are on the outer end of the pier on Lot #208, and the gasoline supply tank is underground on Lot #208 near the road.

If successful in his petition for a Boat Yard, the Petitioner proposes to utilize the facilities that exist at the site, rebuilding or repairing them as necessary, and to limit his operation to the following uses, namely:

1. Marine fueling
2. Snack bar sales
3. Miscellaneous marine supplies sales
4. Berthing of small boats at piers and use of the launching ramp.

Berthing accommodations would be for a maximum of 24 boats no larger than 24 feet long. There would be no boat sales, drydock storage, nor repairs.

Section 270 of the Baltimore County Zoning Regulations permits as a special exception a Boat Yard in an R-6 zone, subject to meeting the requirements of Section 502.1. Section 502.1 of the Zoning Regulations states:

"Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

- a. Be detrimental to the health, safety, or general welfare of the locality involved;
- b. Tend to create congestion in roads, streets or alleys therein;
- c. Create a potential hazard from fire, panic or other dangers;
- d. Tend to overcrowd land and cause undue concentration of population;
- e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- f. Interfere with adequate light and air."

There was uncontradicted testimony by the Petitioner's engineers that satisfactory public sewer and water utilities now exist to service the requirements of the proposal without having any adverse effect on the neighborhood. Petitioner's witnesses also claimed that other provisions of Section 502.1 would be met. However, while they claimed there is no traffic problem, one of the Petitioner's engineers thought it would be beneficial for the Petitioner to grant Baltimore County a strip of land, for the widening of Corsica Road at the site, as shown on plat, Petitioner's Exhibit #2. The developer of

Albert J. Feritto - #70-215-X

3.

the aforementioned Middle Lea subdivision testified that there was a "need" for such a facility as petitioned, and it would enhance the value of houses in his development by providing inland lot owners ready access to the tidewater recreational uses. A Boy Scout Leader and several neighbors also testified to need, and said that similar past use of the subject had proven very beneficial to the neighborhood.

The Petitioner, in turn objected to granting the petition claiming past unpleasant experiences and nuisances associated with the property which would likely continue, such as noise, unruly conduct, gasoline odors, debris, sewage and trash disposal from boats, and the careless driving of boats at excessive speeds. Several of the Protestants acknowledged that they now are or have been boat owners in the past and, therefore, they must be fully cognizant of the fact that, while not condoned, many of these same problems emanate from any number of uncontrolled boat owners operating in the same area, and proper recourse is through the courts.

Under the Zoning Regulations, by special exception, a Boat Yard is a legal and compatible use in a residential zone. Fortunately, the Board of Appeals in granting a special exception can legally impose enforceable restrictions that provide additional protection to a neighborhood. Therefore, without detailing all of the testimony, it is clear to the Board that the Petitioner has satisfied the requirements of Section 502.1 of the Zoning Regulations for a Boat Yard operation limited to:

1. Marine fueling
2. Snack bar sales
3. Miscellaneous marine supplies sales
4. Berthing of boats at pier
5. Use of launching ramp.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 18th day of December, 1970, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

Albert J. Feritto - #70-215-X

4.

1. The facility shall be in substantial conformity to the proposal shown on plat, Petitioner's Exhibit #2
2. Boats, moored and/or berthed, at the subject shall not exceed 24 boats at any one time
3. No boat exceeding 24 feet in length shall be berthed overnight
4. Sale of food, fuel and merchandise offered for sale on the premises, and all ramp launchings shall be confined to those hours within one hour before sunrise to one hour after sunset
5. A road widening strip, fronting the subject property along Corsica Road, shall be conveyed by the Petitioner to Baltimore County as required by the Planning Department of Baltimore County
6. Sanitary facilities shall be provided by the Petitioner as required by Baltimore County authorities
7. Petitioner shall provide self-closing, rodent proof, trash containers for customers' use, and shall daily keep the premises free of debris
8. Drydock storage and repair of customers' boats, trailers, and equipment are prohibited.

Any appeal from this decision must be in accordance with Chapter 1100, Article B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Chairman

W. Giles Parker

Walter A. Keller, Jr.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
5/5 of Corsica Road, 686' E of : ZONING COMMISSIONER
Miles Road - 15th District : OF
Albert J. Feritto - Petitioner :
NO. 70-215-X (Item No. 200) : BALTIMORE COUNTY

The Petitioner seeks a Special Exception to use his property consisting of .726 of an acre for a boat yard. Part of this tract has been the subject of numerous other zoning hearings in the past. As the situation presently stands, the Petitioner has a non-conforming use as a limited marina type operation.

Without reviewing the evidence in detail, the Zoning Commissioner is of the opinion that the Petitioner has failed to show conclusively that the use for which the Special Exception is requested will not violate the requirements of Section 502.1 of the Baltimore County Zoning Regulations.

For the foregoing reasons, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 25 day of June, 1970, that the Special Exception for a boat yard be and the same is hereby DENIED.

Ernest C. Trinkle
Zoning Commissioner of
Baltimore County

PETITION FOR SPECIAL EXCEPTION
5/5 of Corsica Road, 686' E of
Miles Road - 15th District
Albert J. Feritto - Petitioner
No. 70-215-X (Item No. 200)

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

BE PETITION FOR SPECIAL EXCEPTION

Albert J. Feritto does hereby and herewith respectfully appeal the Order of the Zoning Commissioner entered in the above captioned proceedings on the 25th day of June, 1970, to the Board of Appeals for Baltimore County.

William E. Chamberlain
1760 Eastern Blvd.
Baltimore, Maryland 21221
686-9493

Attorney for Albert J. Feritto

I HEREBY CERTIFY, that on this 10 day of July, 1970, a copy of the foregoing Petition was mailed to Ernest C. Trinkle, Attorney, 404 Jefferson Building, Towson, Maryland 21204.

William E. Chamberlain

PRELIMINARY BRIEF
IN SUPPORT OF PETITION
FOR SPECIAL EXCEPTION

Owner of Property: Albert J. Feritto

Property: Lots 207, 208 and 209 Corsica Road - Norman Creek

In support of the Petition filed herewith, the Petition of Albert J. Feritto does list the following reasons for approval of the said Petition:

1. Within the last 24 months sewerage facilities have become available to the above captioned properties.
2. Within the last 24 months water facilities have become available to the above properties.
3. Within the last 24 months a new development of approximately thirteen to fourteen homes has begun within approximately 200 feet of the proposed boat yard.
4. There are now plans for the widening of Corsica Road which Petitioner believes will occur within the next 12 months.
5. There are now plans in existence for the proposed widening of Miles Road which the Petitioner believes will be completed within the next 12 months.
6. Within the last 24 months your Petitioner has acquired lot 209, which in addition to lots 207 and 208, provides a greater area for the proposed boat yard.
7. Within the last 48 months there has come into existence the installation of a private boat club which boat club does not have all the facilities which will be provided by the proposed boat yard, and such boat club is located within 1000 feet of the proposed boat yard.
8. Since the acquisition of lot 209 your Petitioner now has a total frontage on Corsica Road of 350 feet and a total frontage on Norman Creek of 240 feet.

9. All waterfront property located on Norman Creek is now in the hands of private ownership and your Petitioner verily believes there are no public facilities available on Norman Creek of the nature petitioned for, for the use of the general public.
10. Your Petitioner already has in existence a pier 140 feet long with a marine fueling facility thereon.
11. Your Petitioner already has existing pilings alongside the aforesaid pier making provision for the storage of approximately 20 small boats (PleasureCraft).
12. Your Petitioner already has in existence a snack bar and marine supply facility on the premises covered by the Petition filed herewith.
13. All the aforesaid existing facilities were developed by your Petitioner with his own investment over a period of many years and in compliance with numerous building permits and use permits acquired by him over the same period of time.
14. There are already existing in the immediate neighborhood, and within the same R-6 zone three business local locations but your Petitioner knows that none of the aforesaid locations has access to the waters of Norman Creek, or any other waters, and said locations do not supply the facilities petitioned for by your Petitioner in the face of what your Petitioner believes to be public demand for the same.
15. Your Petitioner believes that the granting of the special exception applied for will be in the best interest of the general public welfare and will enhance the value of the immediate surrounding neighborhood.
16. And for other and further reasons to be presented at the hearing of the accompanying Petition.

Respectfully submitted

William E. Chamberlain
1760 Eastern Boulevard
Baltimore, Maryland 21221
686-9493
Attorney for Petitioner

SLIP RENTAL AGREEMENT

This Agreement, made this _____ day of _____, in the year Nineteen Hundred and Fifty-Eight, by and between _____ of _____ Maryland, party(ies) of the first part hereinafter referred to as a boat owner, and Albert J. Ferlitta, party of the second part, hereinafter referred to as the pier owner.

The Pier Owner in consideration of the sum of _____ Dollars per month to be paid to him in advance on the _____ day of the month, Slip No. _____ for the purpose of mooring the boat of the boat owner named _____ and under Permit No. _____ of the U.S. Coast Guard.

The Boat Owner in consideration of the use of the aforementioned Slip hereby agrees to the following:

1. That the Pier Owner shall not be liable in any manner for any damage to the boat owner's equipment, boat and automobile caused by theft or piracy, wind, gale, storm, hurricanes or any other act of God.
2. The Boat Owner accepts the sole responsibility for the maintenance of his, her or their boat and its equipment and protecting it from the weather, rubbing and banging the pier and wat. proofing the same to protect the boat from filling with salt water and/or rain, both before and after useage.
3. The Pier Owner shall not be responsible or liable for the above #2 unless he specially contracts to do the same in writing.
4. The Pier and slips shall be used only by the boat owner and guest (when in his company) and at no time shall the number of guests exceed the capacity of his, her or their boat or the number of life jackets used by the boat owner, whichever shall be the least.
5. The Boat Owner shall be responsible for any damage caused by his or her negligent operation of a boat.
6. Should any material or equipment be left on the pier attended, the Boat Owner shall not hold the Pier Owner liable if stolen, and if an accident is caused by the same, the Boat Owner accepts full responsibility.

Pat & 724470

7. The Boat Owner shall at no time dump or cause to be dumped on or near the pier, human or other waste, food, paper, oil, gas, paint or any other material offensive to private shore owners or destructive of marine life.
8. The Boat Owner shall obey all safety regulations of the U.S. Coast Guard, Baltimore County, and those posted by the Pier Owner.
9. The Boat Owner and his, her or their guests shall make no unnecessary noise, particularly between 12:00 p.m. and 9:30 a.m.
10. The right to use the subject slip is not transferrable.
11. Any subsequent rent renewal shall be subject to the above conditions and any new safety regulations as in #8 above.

In Witness whereof the parties hereto have set their Hands and Seals.

TEST:

_____	Boat Owner (s)	SEAL
_____	Boat Owner (s)	SEAL
_____	Albert J. Ferlitta PIER OWNER	SEAL

1760 EASTERN BLVD.
ESSEX, MARYLAND 21221

LAW OFFICES
William E. Chamberlain



Mrs. Harris
Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Petition for Special Exception
S/S of Corsica Road, 686' E of
Miles Road - 15th District
Albert J. Ferlitta - Petitioner
No. 70-215-X (Item No. 200)

Dear Mrs. Harris:

Enclosed herewith please find Informal Notice of Appeal to be filed in the above captioned proceedings resulting from a Petition for Special Exception filed by Mr. Ferlitta.

I also enclose herewith my check in the amount of \$75.00 which represents the cost of the Appeal for special exception and the cost of posting.

If there are any further funds due for either the posting or any other matter in connection with this Appeal please write and advise me.

Very truly yours

William E. Chamberlain
William E. Chamberlain
Attorney-at-Law

WEC:bc
encs.

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
801 COURTLAND AVENUE
TOWSON, MARYLAND 21204

157A
110
SE-17

RESIDENCE 774-8882
March 25, 1970

DESCRIPTION TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION
BOAT YARD LOT - 207 - 206 - 209 PLAT OF MIDDLEBOROUGH

BEGINNING for the same at a point on the south side of Corsica Road at a distance of 686' ± easterly and southerly from the intersection formed by the east side of Miles Road, 30 ft. wide, and the south side Corsica Road, 30 ft. wide, said point being the division line between Lot 206 and Lot 207 as shown on the Plat of "Middleborough" and recorded among the Land Records of Baltimore County in Liber REC 4 folio 191, running thence and binding on the south side of Corsica Road, the three following courses and distances: 1) easterly 30 ft. 2) southerly 100 ft. 3) easterly 120 ft. to the division line between Lot 209 and Lot 210 as shown on the aforesaid plat, thence leaving the south side of Corsica Road and binding on the division line between Lot 209 and Lot 210 southerly 268' ± to the waters of Norman Creek, thence leaving the division line of Lot 209 and Lot 210 and binding on the waters of Norman Creek northwesterly 240' ± to the division line between Lot 206 and Lot 207 as shown on the aforesaid plat, thence leaving the waters of Norman Creek and binding on the division line between Lot 206 and Lot 207 as shown on the aforesaid plat northerly 112' ± to the place of beginning.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 27, 1970

COUNTY OFFICE BLDG.
111 N. CHARLES ST.
TOWSON, MARYLAND 21204

OLIVER L. MYERS
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PROTECTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

William E. Chamberlain, Esq.
1760 Eastern Blvd.
Baltimore, Maryland 21221

RE: Type of Hearings Special Exception
for boat yard
Location: S/S Corsica Road, 686' ±
SE of Int. with Miles Road
Petitioner: Albert J. Ferlitta
15th District
Item 200
Committee Meeting of April 7, 1970

Dear Sirs:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is presently improved with two dwellings, a garage and another building which is being converted at the present time into a Marine supply store. There are two piers existing with an existing gas pump. The properties surrounding the subject property are improved with dwellings, 20 to 30 years of age, in good repair. The surrounding zoning is presently R6. Corsica Road is not improved as far as concrete curb and gutter are concerned; however, there is an existing macadam right-of-way.

BUREAU OF ENGINEERING

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways

Corsica Road is an existing 14-foot wide macadam road, maintained by the Bureau of Highways, which has been constructed generally within the 20-foot right-of-way, adjacent to this property, and as laid out on the plat of Middleborough, recorded among the land records of Baltimore County in Liber M.P.C. 4 at folio 191. Corsica Road is proposed to be improved as a 30-foot closed roadway section within a 40-foot minimum right-of-way. Highway right-of-way widening and improvements would be required in connection with any subsequent grading or building permit applications.

William E. Chamberlain, Esq.
1760 Eastern Blvd.
Baltimore, Md. 21221
Item 200

April 27, 1970

Storm Drains

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

The property to be developed is located adjacent to the water front. The petitioner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels of residential (commercial) development and other special construction features are required.

Sediment Control

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Sewer and Water

Public sanitary sewerage and public water supply is available to serve this property.

PROJECT PLANNING DIVISION

This plan has been reviewed and there are no site-planning factors requiring comment.

DEPT. OF TRAFFIC ENGINEERING

Corsica Road is existing at a substandard width for the movement of boats and trailers into the subject site.

BOARD OF EDUCATION

No bearing on student population.

- 3 -

William E. Chamberlain, Esq.
1760 Eastern Blvd.
Baltimore, Maryland 21221
Item 200

April 27, 1970

FIRE DEPARTMENT

Owner shall be required to comply to all applicable requirements of the Fire Prevention Code for Marine Service Stations.

BUILDING ENGINEER'S OFFICE

No comment from this office at this time.

HEALTH DEPARTMENT

Public water and sewers are available to the site.

Petitioner must comply with Baltimore County Marine Regulations.

ZONING ADMINISTRATION DIVISION

Revised plans must be submitted to this office indicating the following prior to the hearing.

1. The proposed widening for Corsica Road as defined in the Bureau of Engineering comments in the foregoing.
2. The exact use of the property whether it is going to be a boat yard or a marina.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

OLM:JD

Enc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner Date: May 22, 1970

FROM: George E. Gavelis, Director of Planning

SUBJECT: Petition #70-215-X, Southside of Corsica Road 686 feet East of Miles Rd.
Petition for Special Exception for a Boat Yard.
Albert J. Ferlitta - Petitioner

15th District

HEARING: Monday, May 25, 1970 (11:00 A.M.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for Special Exception for a Boat Yard. It notes the comments of the Department of Traffic Engineering which were made in connection with review of the petition by the Zoning Advisory Committee. We question whether or not the existing street system - particularly Corsica Road - is capable of accommodating traffic generated by the boat yard. We especially question the capability of the road to handle boat trailers. We know of no improvements scheduled for Corsica Road.

If the petition is to be granted, the granting should be premised on a clear showing of compliance with the standards for special exceptions as set forth in Section 302.1 of the Zoning Regulations and conditioned upon strict compliance with site plans approved by the appropriate public agencies.

GEG:msh

IN THE COURT OF APPEALS OF MARYLAND

No. 119
September Term, 1971

LAMBERT A. BROWN et al.

v.

ALBERT J. FERTITTA

Hammond, C.J.
Barnes
Finn
Singley
Smith,
JJ.

Opinion by Hammond, C.J.

Filed: December 14, 1971

Back before us is Albert J. Fertitta, who over the years has shown a Houdini-like skill in evading the commands of the zoning laws that he was not entitled to use his property in Middleborough, Baltimore County (lots 207, 208 and 209 Corsica Road), fronting on Norman Creek, a tributary of Middle River, as a backyard or marina.

The history of Mr. Fertitta's endeavors - largely successful - to run around the ends of zoning restrictions is spread on the pages of the decision in Fertitta v. Brown, 252 Md. 594, 599, where, in affirming the order of the trial court that at last he has reached the end of the line, we said:

"* * * [this] should mean that Fertitta will not this year, or in the years to come, unless the law is changed, greet the spring flowers [Mr. Fertitta is a florist] by resuming the operation of his marina at 208 Corsica Road, being entitled to use lot 208 Corsica Road only for those uses permitted under his present Business Local zoning and not barred by the orders of the zoning commissioner of August 28, 1962 and July 31, 1963."

The tentative suspicion of the Court that the law might be changed to Mr. Fertitta's advantage has proved to be justified. On October 24, 1966 Baltimore County adopted a new comprehensive Eastern Area Land Use Map. The commercial classification on Mr. Fertitta's lot 208 was removed and the lot put in the R-6 residential classification, as were lots 207 and 209. This gave him an area of some 0.726 acres, all zoned R-6.

Section 270 of the Baltimore County Zoning Regulations (1969 Ed.) makes a backyard a permissible use if the zoning commissioner or the County Board of Appeals, on appeal, grants a special exception for such use.

As a prerequisite to granting any special exception, § 502.1 of the County Zoning Regulations requires the granting authority to find that the requested use will not:

- Be detrimental to the health, safety, or general welfare of the locality involved;
- Tend to create congestion in roads, streets or alleys therein;
- Create a potential hazard from fire, panic or other dangers;
- Tend to overcrowd land and cause undue concentration of population;
- Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- Interfere with adequate light and air.

In April 1970 Mr. Fertitta filed a petition for a special exception to use lots 207, 208 and 209 for a backyard. The zoning commissioner denied the request, finding that the petitioner had not met his burden of showing that the use applied for would not offend the standards of § 502.1 of the County Zoning Regulations.

An appeal was taken to the County Board of Appeals. The applicant presented probative evidence that the use he would make of lots 207, 208 and 209 would not cause any of the harms § 502.1 guards against. The protestants offered probative evidence that the proposed use would cause some, if not all, of those harms. The Board decided that a reasonable debate had been won by the applicant. Its opinion found that the petitioner "has satisfied the requirements of Section 502.1 of the Zoning Regulations for a Boat Yard operation limited to:

- Marine fueling
- Snack bar sales
- Miscellaneous marine supplies sales
- Berthing of boats at pier
- Use of launching ramp."

Its order did not specifically and expressly incorporate these limitations. It bindingly ordered, pursuant to the authorizations of § 502.2 of the Zoning Regulations that:

- The facility shall be in substantial conformity to the proposal shown on plat, Petitioner's Exhibit No. 2
- Boats, moored and/or berthed, at the subject shall not exceed 24 boats at any one time
- No boat exceeding 24 feet in length shall be berthed overnight
- Sale of food, fuel and merchandise offered for sale on the premises, and all ramp launchings shall be confined to these hours within one hour before sunrise to one hour after sunset
- A road widening strip, fronting the subject property along Corsica Road, shall be conveyed by the Petitioner to Baltimore County as required by the Planning Department of Baltimore County
- Sanitary facilities shall be provided by the Petitioner as required by Baltimore County authorities
- Petitioner shall provide self-closing, rodent proof, trash containers for customers' use, and shall daily keep the premises free of debris
- Drydock storage and repair of customers' boats, trailers, and equipment are prohibited."

The protestants appealed to the Circuit Court, where Judge MacDaniel affirmed the Board's order, finding to his satisfaction "that the Board's Order with its eight restrictions was supported by substantial evidence in the record and that the issues before the Board as to the meeting of the requirements of Section 502.1 were fairly debatable issues."

We find the Circuit Court's affirmance of the Board was proper. Our review of the record has led us to conclude that a reasoning mind reasonably could have reached the result the Board reached and therefore its action was not arbitrary, capricious or illegal. The Board

and the Circuit Court will be affirmed, with slight modification.

The appellants complain strongly that the Board's order did not incorporate the five limitations on backyard use found in its opinion and ask that if we affirm we require the order to be amended to include these limitations. We find the request reasonable and appropriate, considering the talent and energy Mr. Fertitta has exercised over the years to twist and turn the zoning prohibitions and regulations he does not like so as to continue to use his property as he does like.

ORDER OF THE CIRCUIT COURT MODIFIED TO REQUIRE THE COUNTY BOARD OF APPEALS TO INCLUDE IN ITS ORDER GRANTING THE SPECIAL EXCEPTIONS THE FIVE LIMITATIONS ON USE SET OUT IN ITS OPINION AND, AS MODIFIED, AFFIRMED, COSTS TO BE PAID BY THE APPELLANTS.

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 7, 1970

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 11 consecutive weeks before the 25th day of May, 1970, the first publication appearing on the 7th day of May, 1970.

THE JEFFERSONIAN,
Manager

Cost of Advertisement, \$

NOTICE TO THE PUBLIC
The Board of Appeals of Baltimore County, Maryland, has received a petition from Albert J. Fertitta, of Baltimore County, Maryland, for a special exception to use lots 207, 208 and 209 Corsica Road, fronting on Norman Creek, a tributary of Middle River, as a backyard or marina. The Board of Appeals has held a public hearing on the petition and has received testimony from the petitioner and from the protestants. The Board of Appeals has decided that the petitioner has satisfied the requirements of Section 502.1 of the Zoning Regulations for a Boat Yard operation limited to: 1. Marine fueling 2. Snack bar sales 3. Miscellaneous marine supplies sales 4. Berthing of boats at pier 5. Use of launching ramp. The Board of Appeals has granted the special exception to the petitioner, subject to the following conditions: 1. The facility shall be in substantial conformity to the proposal shown on plat, Petitioner's Exhibit No. 2 2. Boats, moored and/or berthed, at the subject shall not exceed 24 boats at any one time 3. No boat exceeding 24 feet in length shall be berthed overnight 4. Sale of food, fuel and merchandise offered for sale on the premises, and all ramp launchings shall be confined to these hours within one hour before sunrise to one hour after sunset 5. A road widening strip, fronting the subject property along Corsica Road, shall be conveyed by the Petitioner to Baltimore County as required by the Planning Department of Baltimore County 6. Sanitary facilities shall be provided by the Petitioner as required by Baltimore County authorities 7. Petitioner shall provide self-closing, rodent proof, trash containers for customers' use, and shall daily keep the premises free of debris 8. Drydock storage and repair of customers' boats, trailers, and equipment are prohibited. The Board of Appeals has ordered that the Circuit Court affirm the Board's order, with slight modification. The Board of Appeals has also ordered that the Circuit Court modify its order to require the County Board of Appeals to include in its order granting the special exceptions the five limitations on use set out in its opinion and, as modified, affirmed, costs to be paid by the appellants.

THE ESSEX TIMES

ESSEX, MD. 21221 May 11, 1970

THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hardesty, Zoning Commissioner of Baltimore County, was inserted in THE ESSEX TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 11th day of May, 1970 that is to say, the same was inserted in the issue of May 7, 1970.

STROMBERG PUBLICATIONS, Inc.

By: Ruth Morgan

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 154 Date of Posting: May 21, 1970
Posted for: Henry Mundy, Jr., 231 1970, 11:00 A.M.
Petitioner: Albert J. Fertitta
Location of property: 207, 208, 209 Corsica Rd., Baltimore, Md.
Location of Sign: 154th St., Towson, Md.
Remarks: See File
Posted by: Fred N. Hoon Signature Date of return: May 14, 70

TELEPHONE 823-3000 EXT. 357

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

DATE May 25, 1970

No. 71249

BILLED BY:
Zoning Dept. of Baltimore County

TO: Albert J. Fortitto
Box 20 No. 10
Baltimore, Md. 21219

REPORT TO ACCOUNT NO. 01-622

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Advertising and public of property #70-215-X	\$1.50

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE 494-2413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

DATE 1/22/71

No. 74009

BILLED BY:
County Board of Appeals
(Zoning)

TO: Ernest C. Trimble, Esq.
404 Jefferson Building
Towson, Md. 21204

REPORT TO ACCOUNT NO. 01-712

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Cost of certified documents - Case No. 70-215-X 2 1/2 Cordova Road 686' E. of Miles Road 15th District Albert J. Fortitto, Petitioner	\$15.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 823-3000 EXT. 357

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

DATE July 14, 1970

No. 71324

BILLED BY:
Zoning Office
119 County Office Bldg.
Towson, Md. 21204

TO: William E. Chamberlain, Esq.
1760 Eastern Avenue
Baltimore, Md. 21221

REPORT TO ACCOUNT NO. 01-622

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Cost of appeal - property of Albert Fortitto No. 70-215-X	\$70.00
1	1 sign	\$75.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE 823-3000 EXT. 357

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

DATE May 1, 1970

No. 71202

BILLED BY:
Zoning Dept. of Baltimore County

TO: William E. Chamberlain, Esq.
1760 Eastern Ave.
Baltimore, Md. 21221

REPORT TO ACCOUNT NO. 01-622

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Petition for Special Exception for Albert J. Fortitto #70-215-X	\$8.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

William E. Chamberlain, Esq.
1760 Eastern Ave.
Baltimore, Maryland 21221

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing

this 7th day of April 1970

Edward D. Hardisty
EDWARD D. HARDESTY,
Zoning Commissioner

Petitioner: Albert J. Fortitto

Petitioner's Attorney: William E. Chamberlain

Reviewed by: Albert J. Myers
Chairman of
Advisory Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 154th

Date of Posting: July 23, 70

Posted for: Albert J. Fortitto

Petitioner: Albert J. Fortitto

Location of property: 2 1/2 Cordova Rd. E. of Miles Rd.
15th District

Location of Sign: 1 sign posted on front of subject property

Remarks: None

Posted by: William E. Chamberlain
Signature

Date of return: July 26, 70



GENERAL NOTES:

AREA OF QUANTITY
 EXISTING USE
 PROPOSED USE
 EXISTING ZONE
 PROPOSED ZONE

PARKING NOTES:

SPACES	REQUIRED	PROVIDED
1. MAIN STREET @ 1 PER 200'	2	2
2. SHACK ROAD @ 1 PER 200'	2	2
3. RESIDENCE	3	3
4. SPACE PER SLIP	20	20
TOTAL	27	27



E.F. RAPHEL & ASSOCIATES

REGISTERED PROFESSIONAL LAND SURVEYORS

25 COURTLAND AVENUE
BALTIMORE, MARYLAND 21204

NOTE

THIS SURVEY PLOTTED FROM DEEDS
 PLATS AND OTHER SOURCES.

PLAT TO ACCOMPANY PETITION FOR
 SPECIAL EXCEPTION BOAT YARD
 ELECTION DIST. NO. 15 BALTO. CO. MD
 SCALE 1"=50' MARCH, 1970

OFFICE-COPY

1ST# D.T.
 4B
 ME-15

