

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
PATRICK J. MALEC -PETITIONER	*	COUNTY BOARD OF APPEALS
FOR A ZONING VARIANCE ON		
PROPERTY LOCATED ON THE WEST	*	OF
SIDE BACK RIVER NECK ROAD,		
100' N OF THE C/L OF TRIPGATE	*	BALTIMORE COUNTY
RD (202 BACK RIVER NECK ROAD)		
15TH ELECTION DISTRICT	*	CASE NO. 97-537-A
5TH COUNCILMANIC DISTRICT		
* * * *	*	* * * *

O P I N I O N

This matter comes before the Board on a de novo appeal of a decision by the Deputy Zoning Commissioner which granted a Petition for Variance to permit a freestanding sign of 148 sq. ft. in lieu of the maximum permitted 100 sq. ft. The subject property is located at 202 Back River Neck Road, in the Fifteenth Election District of Baltimore County. On September 11, 1997, a timely appeal was filed by Anthony J. DiPaula, Esquire, on behalf of Eastgate Apartment Company, Appellant /Protestant.

The case was set for hearing on Wednesday, April 8, 1998 at 10:00 a.m. and notice sent to all parties of record. Anthony J. DiPaula, Esquire, appeared at the hearing on behalf of Appellants. Neither the Petitioner, nor an attorney on his behalf, appeared at the hearing.

After a brief recess and unsuccessful attempts to contact Petitioner by telephone, the Board reconvened at 10:40 a.m.. Petitioner's failure to appear was noted. Inasmuch as this proceeding comes before the Board de novo, Petitioner has the burden to submit evidence and testimony to support his requested variance and to prove compliance with all necessary regulations and case law.

Petitioner having failed to appear and proceed with his Petition for Variance on the scheduled date of hearing, the Board has no choice but to rule that the Petitioner, by his nonappearance on April 8, 1998, does not wish to pursue the Petition, and the Board will, therefore, consider the Petition withdrawn and will deny the requested variance.

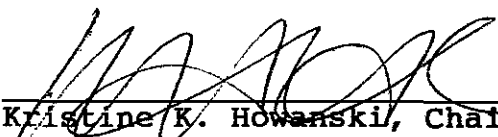
O R D E R

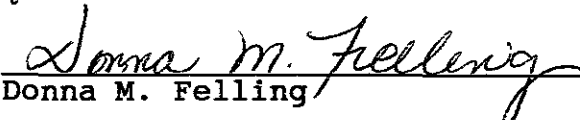
THEREFORE, IT IS THIS 24th day of April, 1998 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance in Case No. 97-537-A, to permit a freestanding sign of 148 sq. ft. in lieu of the maximum permitted 100 sq. ft. to be located on the subject property be and the same is hereby DENIED.

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 of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Kristine K. Howanski, Chairman


Donna M. Felling


Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

April 24, 1998

Anthony J. DiPaula, Esquire
COVAHEY & BOOZER, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: Case No. 97-537-A
Patrick J. Malec -Petitioner

Dear Mr. DiPaula:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the 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 and Procedure, with a photocopy provided to this office concurrent with filing in Circuit Court. 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, appearing to read "Kathleen C. Bianco".

Kathleen C. Bianco, Administrator
County Board of Appeals

encl.

cc: Eastgate Apartment Company
c/o David R. Tini, CT Management
Patrick J. Malec
Thomas A. Church
Development Engineering Consultants, Inc.
People's Counsel for Baltimore County
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

IN RE: PETITION FOR VARIANCE
W/S Back River Neck Road, 100'N
of the c/l of Tripgate Road
(202 Back River Neck Road)
15th Election District
5th Councilmanic District

Patrick J. Malec
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-537-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Patrick J. Malec. The Petitioner seeks relief from Section 413.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a freestanding sign of 148 sq.ft. in lieu of the maximum permitted 100 sq.ft. The subject property is located on the west side of Back River Neck Road, just north of Tripgate Road in Essex, and is more particularly described on the site plan submitted, which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Patrick J. Malec, property owner, and Thomas A. Church, Professional Engineer who prepared the site plan for this property. Appearing as Protestants in the matter were Christy Stevens and David R. Tini, representatives of the East Gate Townhomes community, who were represented by Anthony J. DiPaula, Esquire.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.67 acres, more or less, zoned B.L., and is improved with a one and one-half story residence, a one-story garage, and a one-story commercial building. The Petitioner testified that he has been a commercial crabber since 1991 and recently commenced operating a retail

ORDER RECEIVED FOR FILING

Date

By

carry-out seafood business within the commercial building on this property. In order to advertise his business, the Petitioner installed a freestanding business identification sign in the southeast corner of the subject site. A photograph of the sign was submitted into evidence and a sign detail and layout is shown on Petitioner's Exhibit 1. The identification portion of the sign is illuminated and identifies the business, known as "Lady Francis", along with a telephone number and a decorative crab. The Petitioner wishes to add a 3' x 8' marquee just below the identification portion of the sign so that he can advertise daily specials and other products sold by his establishment. However, in order to add this marquee, the requested variance is necessary. Mr. Malec testified that he purchased the subject property in 1990, at which time he found drug paraphernalia as well as other trash and debris which had accumulated thereon as a result of loiterers. Mr. Malec indicated that he has made several improvements to the property since that time and, in fact, his mother now resides in the dwelling thereon. Mr. Malec testified that since installing security fencing and lighting on the property, no more loitering occurs and conditions in the area have improved overall as a result of these improvements.

As noted above, representatives of the East Gate Townhomes complex on the adjacent property, appeared in opposition. Mr. David R. Tini testified that the sign as proposed will interfere with the visibility of the sign identifying the East Gate Townhomes community. Mr. Tini testified that vehicles traveling in a southerly direction on Back River Neck Road would not be able to see the East Gate sign and miss the turn-off at Tripgate Road into this community. Testimony indicated that this is the only access point to the East Gate Townhomes development and Mr. Tini believes that the Petitioner's sign will impede the visibility of his sign.

After considering the testimony and evidence offered by both parties, I made a site visit to the property. When traveling in the right lane on Back River Neck Road, I found the Petitioner's sign and the sign for the East Gate development difficult to discern. I believe the difficulty in reading both signs was due to the overgrowth of several trees in the area, the branches of which extended out over the sidewalk along Back River Neck Road. Once past the trees, I found that both signs were readily visible and the Petitioner's sign did not interfere with the sight lines for the East Gate Townhomes sign.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

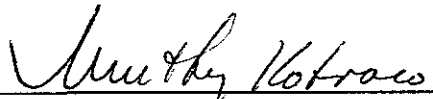
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. The Petitioner recently opened his retail business at this location, and thus, it is important for him to advertise

its existence. Furthermore. I find that it is appropriate for the Petitioner to add the 3' x 8' marquee to the subject sign so that he can advertise specials and other products for sale. In my view, strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioner. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of August, 1997 that the Petition for Variance seeking relief from Section 413.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a freestanding sign of 148 sq.ft. in lieu of the maximum permitted 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner may apply for his sign permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

August 19, 1997

Mr. Patrick J. Malec
P.O. Box 7795
Essex, Maryland 21221

RE: PETITION FOR VARIANCE
W/S Back River Neck Road, 100'N of the c/l of Tripgate Road
(202 Back River Neck Road)
15th Election District - 5th Councilmanic District
Patrick J. Malec- Petitioner
Case No. 97-537-A

Dear Mr. Malec:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Thomas A. Church, Development Engineering Consultants, Inc.
6603 York Road, Baltimore, Md. 21212

People's Counsel; Case Files



Se
7/9

RE: PETITION FOR VARIANCE	*	BEFORE THE
202 Back River Neck Road, W/S Back River	*	
Neck Road, 100'+/- N of c/l Tripgate Rd	*	ZONING COMMISSIONER
15th Election District, 5th Councilmanic	*	
	*	OF BALTIMORE COUNTY
Patrick J. Malec	*	
Petitioner	*	CASE NOS. 97-537-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of July, 1997, a copy of the foregoing Entry of Appearance was mailed to Thomas A. Church, Development Engineering Consultants, Inc., 6603 York Road, Baltimore, MD 21212, representative for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #202 Brook River Neck Rd.

which is presently zoned BL

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) 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 for a Variance from Section(s)

of freestanding Signage in Lieu of the 413.2 F to Permit 148 sq. ft
permitted 100 sq. ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To Be Developed at Hearing

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

I, or we, agree to pay expenses of above Variance 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/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s).

PATRICK J. MALEC
(Type or Print Name)

Patrick J malec
Signature

(Type or Print Name)

Signature

P.O. Box 7795 (410) 687-0485
Address Phone No

ESSEX, MD. 21221
City State Zipcode

Name, Address and phone number of representative to be contacted.

Thomas A. Chovel
Development Engineering Consultants P.C.
Name

4603 York Rd. (410) 377-2600
Address Phone No

Baltimore Md. 21212
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: Jcm DATE 5-29-97

537



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

ORDER RECEIVED FOR FILING

Date

By

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION

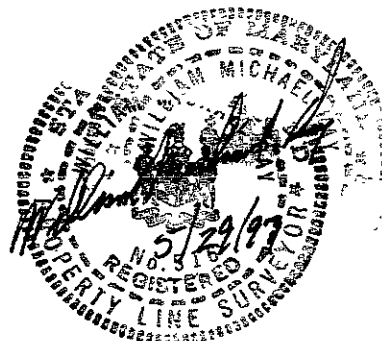
#202 BACK RIVER NECK ROAD

BEGINNING AT A POINT ON THE WEST SIDE OF BACK RIVER NECK ROAD WHICH IS 60 FEET WIDE AT THE DISTANCE OF 99.91 FEET NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, TRIPGATE ROAD WHICH IS 47 FEET WIDE.

BEING THE SAME PROPERTY AS RECORDED IN DEED LIBER 8560, FOLIO 092 DESCRIBED AS FOLLOWS: SOUTH 56 DEGREES 13 MINUTES 11 SECONDS WEST, 139.28 FEET; SOUTH 33 DEGREES 46 MINUTES 49 SECONDS EAST, 50.00 FEET; NORTH 56 DEGREES 13 MINUTES 11 SECONDS EAST, 140.20 FEET; AND NORTH 34 DEGREES 50 MINUTES 05 SECONDS WEST, 50.01 FEET TO THE PLACE OF BEGINNING.

CONTAINING 0.16 ACRES OF LAND, MORE OR LESS.

ALSO KNOWN AS 202 BACK RIVER NECK ROAD AND LOCATED IN THE 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT.



537

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION

PARCEL ADJACENT TO
#202 BACK RIVER NECK ROAD

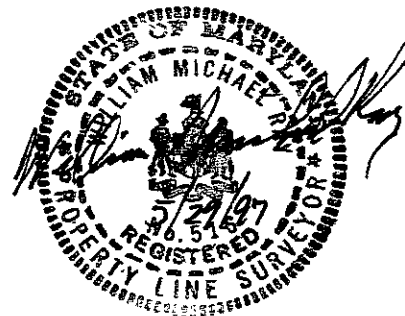
BEGINNING AT A POINT ON THE WEST SIDE OF BACK RIVER NECK ROAD WHICH IS 60 FEET WIDE AT THE DISTANCE OF 105.62 FEET NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, TRIPGATE ROAD WHICH IS 47 FEET WIDE.

BEING THE SAME PROPERTY AS RECORDED IN DEED LIBER 11986, FOLIO 451 DESCRIBED AS FOLLOWS: SOUTH 83 DEGREES 40 MINUTES 11 SECONDS WEST, 213.17 FEET; SOUTH 33 DEGREES 46 MINUTES 49 SECONDS EAST, 203.89 FEET; NORTH 56 DEGREES 13 MINUTES 11 SECONDS EAST, 191.28 FEET; AND NORTH 34 DEGREES 50 MINUTES 05 SECONDS WEST, 49.90 FEET; SOUTH 56 DEGREES 13 MINUTES 11 SECONDS WEST, 140.20 FEET; NORTH 33 DEGREES 46 MINUTES 49 SECONDS WEST, 50.00 FEET; NORTH 56 DEGREES 13 MINUTES 11 SECONDS EAST, 139.28 FEET; AND NORTH 34 DEGREES 50 MINUTES 05 SECONDS WEST, 5.62 FEET TO THE PLACE OF BEGINNING.

CONTAINING 0.51 ACRES OF LAND, MORE OR LESS.

ALSO KNOWN AS PARCEL 1079 AND PART OF PARCEL 357 ON TAX MAP 97 AND LOCATED IN THE 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT.

537



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

038081

PAID RECEIPT
05/19/97 04 7 LBS R 7/20
Dept 5 513 ZONING VERIFICATION
CR NO. 038081
\$250.00 OK P-A-I-D
Baltimore County Maryland
Office of Budget & Finance

DATE 5-2 ACCOUNT Pool-615D

AMOUNT \$ 250.00

RECEIVED
FROM:

P. MALEC

202 Back River
Neck Rd.

FOR:

VAC. (020)

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Jan

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

042662

DATE 9/11/97 ACCOUNT B-001-615C

AMOUNT \$ 210.00

RECEIVED
FROM:

Edward C. Covehey, Jr.

FOR:

Appeal - Case # 97-537-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Rye

PAID RECEIPT
PROCESS ACTUAL TIME
9/12/1997 9/15/1997 04:56:00
RFB LISC CASHIER INTO THE TREASURY
MISCELLANEOUS CASH RECEIPT
RECEIVED BY 013341 (PL)
CR NO. 042662

210.00 OK
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

NOTICE OF HEARING

The zoning commission of Baltimore County, Baltimore, of the zoning and the request of the Baltimore County will not be held in the County Baltimore, Maryland.

0669 49/437 A
202 Black Sheep Neck Road
W/8 Black River Neck Road
100 S.W. of Indiana Road
1st Election District
5th Councilmanic
Legal Owners:
Patrick J. Mero

Variances to permit 146 square feet of free standing signage in lieu of the permitted 100 square feet.

Hearing WEDNESDAY, JULY 9, 1997 at 10:00 a.m. in Room 407 Court's Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Call (410) 887-3353.

(2) For information concerning the file and/or hearing, please call (410) 887-3391.

6/20/4 June 12

C/50330

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/12, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/12, 1997.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Erickson

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW

614 BOSLEY AVENUE

TOWSON, MARYLAND 21204

AREA CODE 410

828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.

F. VERNON BOOZER *

MARK S. DEVAN

ANTHONY J. DiPAULA *

THOMAS P. DORE

ROGER J. SULLIVAN

ANNEX OFFICE

SUITE 302

606 BALTIMORE AVE

TOWSON, MD 21204

September 10, 1997

* ALSO ADMITTED TO D. C. BAR

HAND DELIVERY

Arnold Jablon, Director
Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: CASE NO.: 97-537-A
PATRICK M. MALEC, PETITIONER
PETITION FOR VARIANCE W/S BACK RIVER NECK ROAD

Dear Mr. Jablon:

Please note an appeal to the County Board of Appeals from the Order dated August 19, 1997 granting the sign variance in the above referenced case. This appeal is filed on behalf of Eastgate Apartment Company. Enclosed is a check in the amount of \$210.00 representing the \$175.00 appeal fee, plus the \$35.00 fee for the sign.

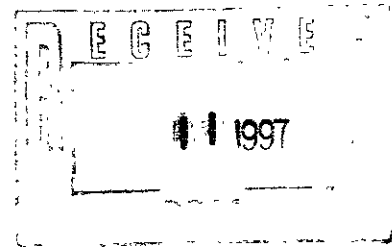
Very truly yours,



Anthony J. DiPaula

AJD/ds
9/11/97
enclosure

cc: Eastgate Apartment Co.
c/o David Tini, CT Management



RYE 9/11
21100000

CERTIFICATE OF POSTING

RE: Case # 97-537-A

Petitioner/Developer:
(Patrick J. Malec)

Date of Hearing/Closing:
(July 9, 1997)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____
202 Back River Neck Road Baltimore, Maryland 21221 _____

The sign(s) were posted on _____ Jun. 24, 1997 _____
(Month, Day, Year)

Sincerely,

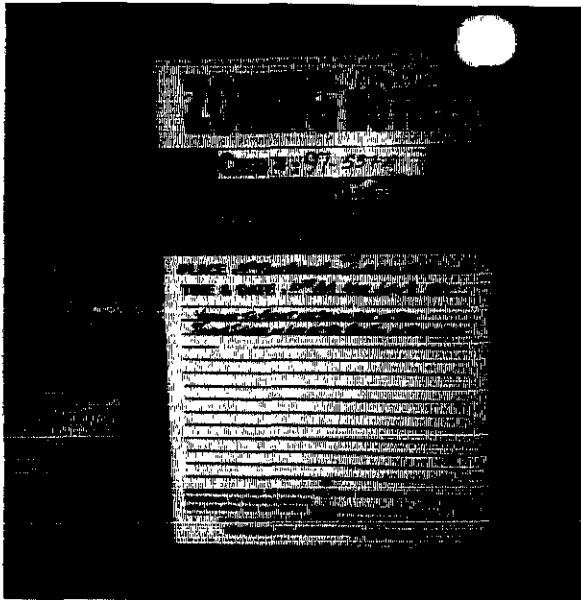

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.
(Printed Name)

325 Nicholson Road
(Address)

Baltimore, Maryland 21221 _____

(410)-687-8405
(Telephone Number)



97-537-A



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 537

Petitioner: PATRICK J. MALEC.

Location: 202 BACK RIVER NECK RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DEVELOPMENT ENGINEERING CONSULTANTS, INC.

ADDRESS: 6603 YORK RD.

BALTIMORE, MD., 21212

PHONE NUMBER: (410) 377-2600

AJ:ggs

(Revised 04/09/93)



Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-537-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: A VARIANCE TO PERMIT 148 SQ. FT. OF
SIGNAGE IN LIEU OF THE PERMITTED 100 SQ FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 8030 Edgewater Ave

Subdivision name: Chesapeake Bay

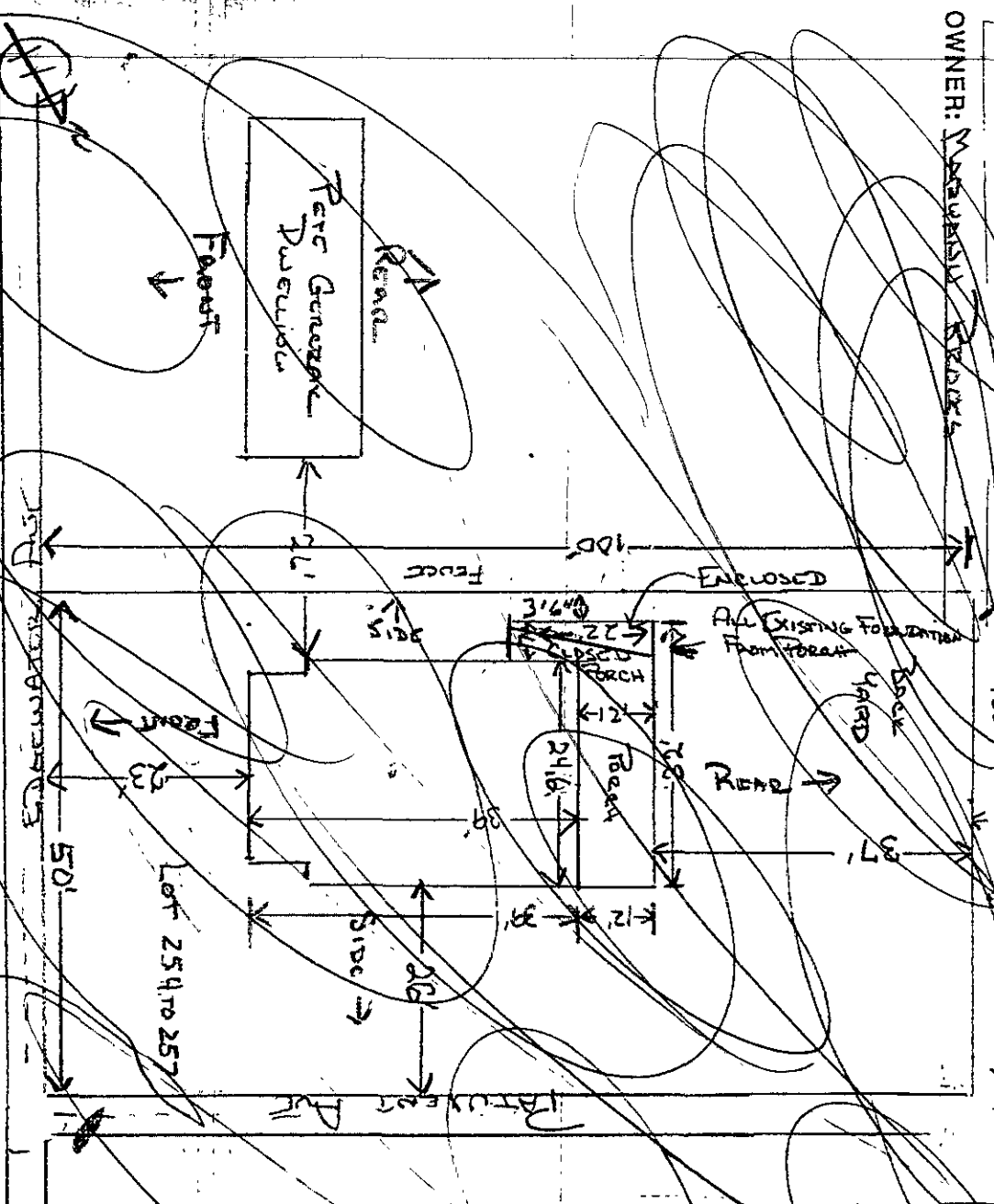
plat book # 6, folio # 101, section # 101

OWNER: Margaret Brooks

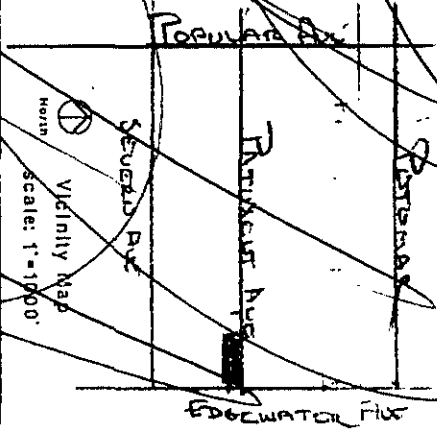
See Pages 5 & 6 of the CHECKLIST for additional required information

Lot 249 to 253

Lot 249 to 253



Scale of Drawing 1" = 20'



LOCATION INFORMATION

Election District: 15th

Councilmanic District: 5th

1"=200' scale map# NA 2-F

Zoning: DRS-5

Lot size: 103

4500 square feet

SEWER: ☒ Public ☐ Private

WATER: ☒ Public ☐ Private

Chesapeake Bay Critical Area: ☐ Yes ☒ No

Prior Zoning Hearings: ☐ Yes ☒ No

Zoning Office USE ONLY

Reviewed by: ITEM # CASE #:

482

RE: Case No.: 97-537A

Petitioner/Developer: _____

PATRICK J. MALEC

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 202 BACK RIVER NEW RD.

The sign(s) were posted on 10/28/97
(Month, Day, Year)

NOTE:

SIGN REPOSTED

12/9/97

GF

Sincerely,

Gary Freund 10/28

(Signature of Sign Poster and Date)

GARY FREUND

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

RE: Case No.: 97-537A

Petitioner/Developer: _____

PATRICK J. MALEC

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 202 BACK RIVER NECK RD.

The sign(s) were posted on 10/28/97
(Month, Day, Year)

Sincerely,

Guy Green 10/28
(Signature of Sign Poster and Date)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

TO: PUTUXENT PUBLISHING COMPANY
June 12, 1997 Issue - Jeffersonian

Please forward billing to:

Development Engineering Consultants, Inc
6603 York Road
Baltimore, MD 21212
410-377-2600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-537-A
202 Back River Neck Road
W/S Back River Neck Road, 100'+/- N of c/l Tripgate Road
15th Election District - 5th Councilmanic
Legal Owner(s): Patrick J. Malec

Variance to permit 148 square feet of free standing signage in lieu of the permitted 100 square feet.

HEARING: WEDNESDAY, JULY, 9, 1997 at 10:00 a.m. in Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 6, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-537-A
202 Back River Neck Road
W/S Back River Neck Road, 100' +/- N of c/l Tripgate Road
15th Election District - 5th Councilmanic
Legal Owner(s): Patrick J. Malec

Variance to permit 148 square feet of free standing signage in lieu of the permitted 100 square feet.

HEARING: WEDNESDAY, JULY, 9, 1997 at 10:00 a.m. in Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Patrick J. Malec
Thomas A. Church

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 24, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 21, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-537-A

IN THE MATTER OF: PATRICK J. MALEC -Petitioner
202 Back River Neck Road 15th E; 5th C

(Petition for Variance GRANTED /D.Z.C.)

ASSIGNED FOR:

WEDNESDAY, APRIL 8, 1998 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Protestant : Anthony J. DiPaula, Esquire
Appellant /Protestant : Eastgate Apartment Company
c/o David R. Tini, CT Management

Petitioner : Patrick J. Malec
Development Eng. Consultants, Inc. : Thomas A. Church

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



Case No. 97-537-A

Patrick J. Malec - Petitioner

S/s Back River Neck Road, 100' N of the
c/l of Tripgate Road
(202 Back River Neck Road)

15th Election District

Appealed: 9/11/97

(See Pet. Ex. #1 -
Plat to accompany Petition)



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 1, 1997

Mr. Patrick J. Malec
P.O. Box 7795
Essex, MD 21221

RE: Item No.: 537
Case No.: 97-537-A
Petitioner: Patrick Malec

Dear Mr. Malec:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 29, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

June 13, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: Klein Family Dev. Corp.
Patrick J. Malec

Location: DISTRIBUTION MEETING OF June 9, 1997

Item No.: *533, and *537 Zoning Agenda:

Gentlemen:

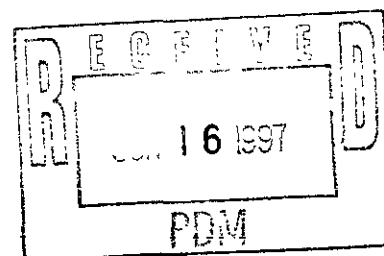
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

*533: A- The 9 foot driveway width is not acceptable.

*537: A- Note if variance is granted, a change of occupancy permit will be required.





B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits &
 Development Management

DATE: June 16, 1997

FROM: Robert W. Bowling, Chief
 Development Plans Review
 Division

SUBJECT: Zoning Advisory Committee Meeting
 for June 16, 1997
 Item No. 537

The Development Plans Review Division has reviewed the subject zoning item. This office requests that a Landscape Plan be required that includes street trees and screening of the parking.

RWB:HJO:jrb

cc: File



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 6-6-97
Item No. 537

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: _____

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: June 9, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

535
537
539

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: June 19, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 202 Back River Neck Road

INFORMATION

Item Number: 537

Petitioner: Malec Property

Zoning: BL

Requested Action: Variance

Summary of Recommendations:

Staff does not support the variance to permit a freestanding sign of 148 square feet in lieu of the permitted 100 square feet. Sign clutter is one the major contributors to the pervasive unattractiveness of the County's commercial corridors.

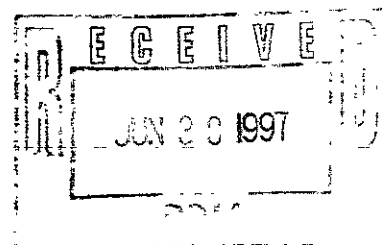
Prepared by:

Jerry W. Long

Division Chief:

Gary L. Kerns

AFK/JL



BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: May 29, 1997

TO: Hearing Officer

FROM: Joseph C. Merrey
Planner I
Zoning Review, PDM

SUBJECT: Item #537
202 Back River Neck Road

Petitioner is in the process of applying for a change of occupancy for this property from residential to commercial (carry-out crabs). I discussed with the petitioner that, in the event the variance is granted, he may seek a restriction prohibiting the placement of the sign until the change of occupancy is granted and the lots in question are consolidated. Petitioner advised me that he was proposing to consolidate the lots and understood the reason that such a restriction might appear in the order.

JCM:scj



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 17, 1997

Mr. Patrick J. Malec
P.O. Box 7795
Essex, MD 21221

RE: Petition for Zoning
Variance
W/S Back River Neck Road,
100' N of the c/l of
Tripgate Road
(202 Back River Neck Road)
15th Election District
5th Councilmanic District
Patrick J. Malec -
Petitioner
Case No. 97-537-A

Dear Mr. Malec:

Please be advised that an appeal of the above-referenced case was filed in this office on September 11, 1997 by Anthony J. DiPaula, Esquire on behalf of Eastgate Apartment Company. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the typed name.

ARNOLD JABLON
Director

AJ:rye

c: People's Counsel



APPEAL

Petition for Zoning Variance
W/S Back River Neck Road, 100' N of the c/l of Tripgate Road
(202 Back River Neck Road)
15th Election District - 5th Councilmanic District
Patrick J. Malec - Petitioner
Case No. 97-537-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits: 1 - Plat to Accompany Zoning Variance
2-4 - Three Photographs

Protestants' Exhibits: 1-2 - Two Photographs

Deputy Zoning Commissioner's Order dated August 19, 1997 (Granted)

Notice of Appeal received on September 11, 1997 from Anthony J.
DiPaula, Esquire on behalf Eastgate Apartment Company

c: Anthony J. DiPaula, Esquire, Covahey & Boozer, P.A., 614 Bosley
Avenue, Towson, MD 21204
Mr. Patrick J. Malec, P.O. Box 7795, Essex, MD 21221
Mr. Thomas A. Church, Development Engineering Consultants, Inc.,
6603 York Road, Baltimore, MD 21212
People's Counsel of Baltimore County, M.S. 2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 97-537-A

VAR -To permit a freestanding sign of 148 sq. ft.
in lieu of maximum permitted 100 sq. ft.

8/19/97 -D.Z.C.'s Order in which Petition for
Variance was GRANTED.

11/21/97 - Notice of Assignment for hearing scheduled for Wednesday,
April 8, 1998 at 10:00 a.m. sent to following:

Anthony J. DiPaula, Esquire
Eastgate Apartment Company
c/o David R. Tini, CT Management
Patrick J. Malec
Development Eng. Consultants, Inc. /Thomas A. Church
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

4/08/98 -Board convened for hearing at 10:00 a.m. Anthony DiPaula, Esquire,
appeared on behalf of Protestant /Appellant. Office of People's Counsel
had indicated earlier this date that they would not be participating in
these proceedings. Neither Petitioner, or an attorney on his behalf,
appeared.

The Board reconvened at 10:40 a.m. and noted on the record Petitioner's
absence to proceed with this de novo hearing. Therefore, the Board
ruled to deny the requested Petition, inasmuch as Petitioner was not
present to proceed. An Order will be issued. K.F.B.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 19, 1999
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*
County Board of Appeals

SUBJECT: Closed File: 97-537-A /Patrick J. Malec - Petitioner

As no further appeal was taken in the above captioned case,
we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-537-A)

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Patrick Malec

202 Back River Neck Rd

Tom Church (Engineer)

6603 York Road



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Anthony J. DiPauli, Esq.

614 Bailey Ave. 21224

DAVID R. TIN, CT. MANAGEMENT

PO BOX 4347 BELTSVILLE MD 20905

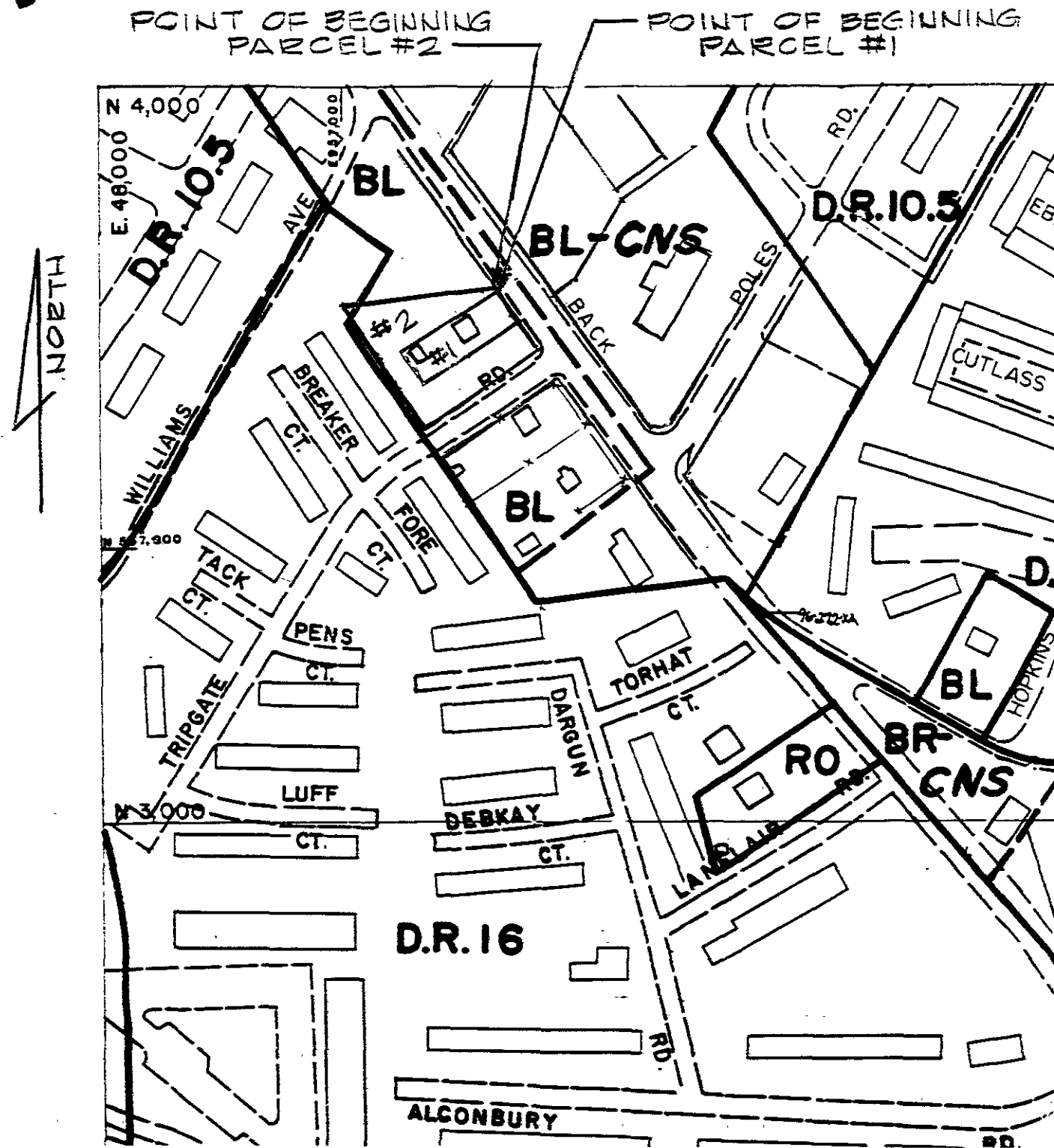
Christy Stevens

PO Box 1820 Beltsville MD 20704



97-537-A

537



PREPARED BY:
DEVELOPMENT ENGINEERING
CONSULTANTS, INC.
6603 YORK RD
BALTO, MD, 21212 (410) 377-2600

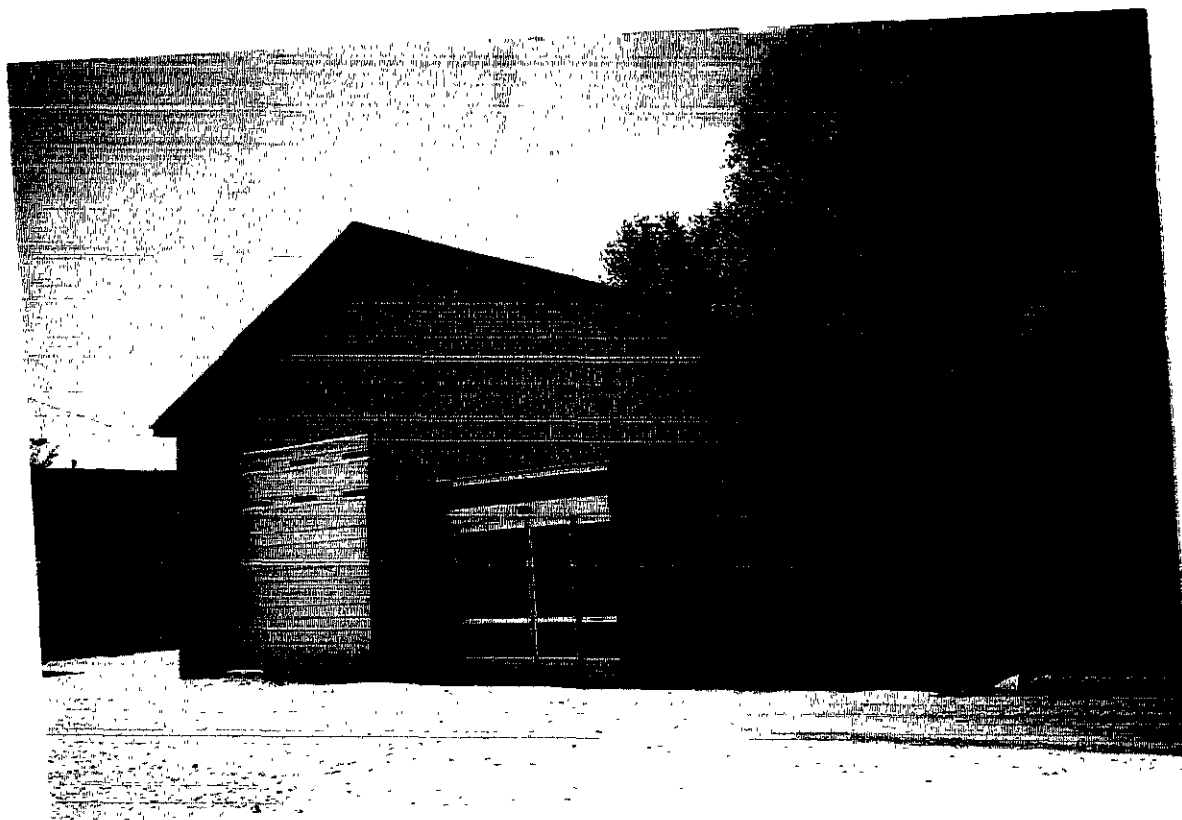
ZONING MAP FOR
202 BACK RIVER NECK RD.
1" = 200'
REF. MAP: NE 1-I (1996)
P.N. 97-118



PETITIONER'S
EXHIBIT 3

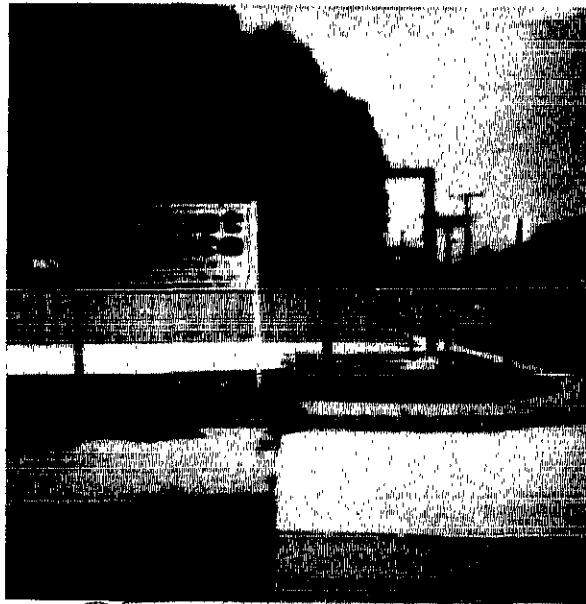


PETITIONER'S
97-118
202 BACK RIVER NEX RD. (B)
EXHIBIT 4



Petitioner's
Exhibits
2-4
photographs

97-537-A



PROTESTANTS
EXHIBIT NO. 1



PROTESTANTS
EXHIBIT NO. 2

Protestant's
Exhibit
1 & 2
photographs
Case 97-537-A