



File
04-046
SPHXA

JAMES T. SMITH, JR.
County Executive

January 29, 2009

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

Robert Poleski
Bills' Boats
9033 Cuckold Point Road
Baltimore, MD 21219

Microf. Lottan
+ plan

RE: Bill's Boats
Zoning Case 04-046-SPHXA
Spirit and Intent Request
15th Election District

Dear Mr. Poleski:

I am in receipt of your Spirit and Intent request letter dated November 18, 2008 and amended site plan for the proposed "50-foot by 60-foot One-Story Metal Building Shop for Marina" located at Bills Boats, 9033 Cuckold Point Road.

You are proposing to relocate this building from the location shown on the plan that accompanied Zoning Case No. 04-046-SPHXA. That order amended prior Zoning Case No. 98-3SPH.

Your letter indicates that you desire to relocate the proposed building approximately 90 feet easterly of where it was shown on the plan that accompanied the previous order. In fact, the amended site plans shows the proposed building to be located approximately 50 feet in a westerly direction.

On that amended site plan, which was submitted with your letter, we have highlighted the proposed location of this building in yellow. This plan will become part of the zoning hearing file as well as the Zoning Review Office's letter file.

This new location of the proposed building as shown on this plan meets the Spirit and Intent of Zoning Case No. 04-046-SPHXA which amended prior Zoning Case No. 98-3-SPH.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Timothy M. Kotroco, Director

2-3-09

CARL,

Tim's letter,

Pat Farr's email OK &
high lighted site plan
for your 15th E.D. Letter
File. CC of same also in
Hearing File # 04-046SPHXA
I cc also to Mike Monler
John Sullivan

From: Patricia Farr
To: David Lykens; Walter Smith
CC: Esslinger, Regina; Michael Kulis
Date: 01/21/09 3:57 PM
Subject: Bill's Boats

I spoke with Rob Poleski today regarding his proposed:

- (1) accessory parking lot across the street from the marina,
- (2) restaurant deck, and
- (3) numbered parking spaces on an existing parking lot near the water.

Based upon our review, these items are all OK as proposed relative to Critical Area requirements.

If you have questions, please let me know.

Walt, I believe Mr. Poleski will be calling you about the DRC issues on the site.

Patricia M. Farr, Manager
Environmental Impact Review Section
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, MD 21204
Phone: 410-887-3980
Fax: 410-887-4804
pfarr@baltimorecountymd.gov

November 19, 2008

Timothy M. Kotroco
Baltimore County
Dept of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Bill's Boats DRC 042307I
Zoning Order Case No. 98-3SPH
Spirit and Intent

Dear MR. Kotroco:

Enclosed you will find the amended site plan for the location 9033 Cuckold Point Road located in Swan Point subdivision lots (506-510) and Swan Point lots (73-75) located at the corner of Fifth Street. We are trying to reconstruct a 50x60 one story metal building to replace what was destroyed by Tropical Storm Isabel in 2003. I would like to request a determination that the location of the building meets the spirit of intent of the Zoning Commissioners order dated October 20th, 2003 case No. 98-3SPH to proceed with our plans.

We are proposing to relocate the building to a more suitable location approximately 90 feet easterly of the location shown on the site plan which accompanies the zoning commissioner's order. The new site plan shows the new location of the building to accommodate the parking, landscaping, and wheel chair accessibility along with the set backs and survey descriptions. We are not asking for any additions we are simply asking to replace what had once existed in a new convenient location. If there are any further questions please call (443) 326-5767.

Sincerely,



Robert Poleski

IN THE MATTER OF:
ROBERT POLESKI &
MICHAEL POLESKI
Petitioners
9033 Cuckold Point Road
15th Election District
7th Councilmanic District

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY

PETITION FOR SPECIAL HEARING
GRANTED IN PART AS INDICATED
IN ZONING COMMISSIONER'S ORDER

CASE #: 98-3-SPH

OPINION

Petitioners Robert Poleski and Michael Poleski by and through their attorney John B. Gontrum filed a Petition for Special Hearing, which Petition was granted in part by the Zoning Commissioner by Order dated December 11, 1997, approving a non-conforming use as to a portion of Petitioners' property, amending a site plan, and allowing the storage of up to 25 boats on another portion of Petitioners' property on which no non-conforming use was found. The office of People's Counsel for Baltimore County by and through attorneys Peter Max Zimmerman and Carole S. Demilio noted a timely appeal.

This matter came on for hearing on August 31, 1999. At that time People's Counsel clarified that their appeal pertained solely to condition number 2 of the Zoning Commissioner's Order permitting no commercial use of Lot 510 of Petitioners' property except for boat storage of up to 25 boats and to the related portion of the Petitioners' site plan indicating that boat storage on Lot 510. Counsel stated that it was not their intent to appeal any other portion of the Zoning Commissioner's Order.

Petitioners upon the presentation of the Opening Statement of People's Counsel

thereupon withdrew their request for permission to store the boats as indicated in the Zoning Commissioner's Order and agreed to modify their filed site plan accordingly so that the usage of Lot 510 would be exclusively as permitted in the Baltimore County Zoning Regulations for residential use. Petitioners indicated that as of the date of hearing the property no longer was being used for boat storage.

All parties, therefore, consented to the use of Lot 510 strictly as permitted under the Baltimore County Zoning Regulations under its current residential zoning.

Upon review of the foregoing statements of counsel and upon consideration of the findings of facts and conclusions of law supporting the Order of the Zoning Commissioner, it is hereby

ORDER

IT IS THEREFORE this 26th day of October, 1999, by the County Board of Appeals of Baltimore County

ORDERED that the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County be and the same is hereby **AFFIRMED IN PART AND REVERSED IN PART** such that the Appeal of People's Counsel for Baltimore County is dismissed with respect to all portions of the Order of the Zoning Commissioner except with respect to the use of Lot 510 and further such that Restriction Number 2 of said Order is modified; and accordingly it is further

ORDERED that the portion of the Petitioners' property known as Lot 509 which is zoned D.R. 5.5 be and is hereby designated as a non-conforming use for a boat yard/marina; and it is further

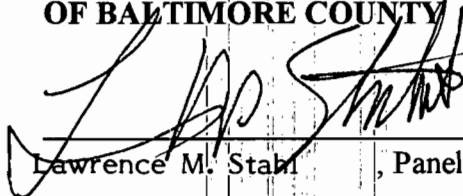
ORDERED that the portion of the Petitioners' property known as Lot 510 is not designated as a nonconforming use and may not be used for any commercial purpose; and it is further

ORDERED that an amendment to the previously approved site plan dated 10/12/1994, be and is hereby approved as limited by this Order; and it is further

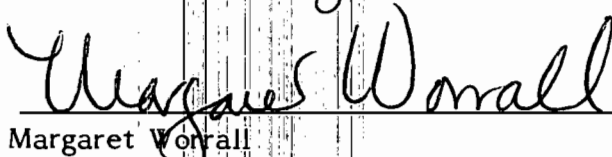
ORDERED that a modified parking plan, as shown on Petitioners' Exhibit No. 1 filed before the Zoning Commissioner, pursuant to Section 409.12 of the BCZR, be and is hereby approved; all subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired.
2. The Petitioners shall engage in no commercial activity from Lot 510.
3. Any expansion to existing commercial facilities on the subject property shall require a public hearing and an amendment to the Petition for Special Hearing granted herein.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence M. Stahl, Panel Chairman


Lynn Barranger


Margaret Worrall



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 26, 1999

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of Robert Poleski and
Michael Poleski /Case No. 98-3-SPH

Dear Mr. Zimmerman:

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. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

encl.

cc: Robert Poleski and Michael Poleski
John B. Gontrum, Esquire
Joseph Larson /Spellman, Larson and Associates
Edward Idranicka
Christina K. Minnick
Phillip J. Sessa
Adam F. Szczypinski
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorne



IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SE/S Cuckold Point Road, 60 ft.
+/- S from c/l 4th Street * ZONING COMMISSIONER
9033 Cuckold Point Road
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District
Robert Poleski & Michael * Case No. 98-3-SPH
Poleski, Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property known as lots 506 thru 510 (also known as 9033, 9035 and 9037 Cuckold Pt. Road) in the Swan Point subdivision in southeastern Baltimore County. The Petition was filed by Robert Poleski and Michael Poleski, property owners. The Petition requests that the Zoning Commissioner grant relief, "to confirm and continue a pre-existing nonconforming use of a boat yard/marina in a B.M./D.R.5.5 zone; to amend the previously approved site plan dated October 12, 1994; and to approve a modified parking plan pursuant to BCZR, Section 409.12". The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the public hearing held for this case were Michael Poleski and Robert Poleski, property owners. Also appearing in support of the request was Joseph Larson, of Spellman, Larson and Associates, Inc., the consultants who prepared the site plan. The Petitioners were represented by John B. Gontrum, Esquire. A number of interested individuals who reside in the area also appeared in support of the Petition. They included Terri Lidard, Kim Poleski, Wayne Miskiewicz, Carl Hobson and Norman Anderson. Also appearing at the hearing were a number of neighbors who are concerned about the Petitioners' plans. Those individuals included Edward Idranicka, Christina K. Minnick, Philip J. Sessa and Adam F. Szczypinski.

ORDER RECOMMENDED FOR FILING

Date

By

12/11/97
J. B. Gontrum

A substantial amount of testimony was offered regarding the requested relief and both the current and historical use of the property. As I observed at the hearing, it was clear that there was a significant amount of misunderstanding about the Petitioners' plans and requested relief. Some of these misunderstandings were clarified during the hearing. At the conclusion of the hearing, it appeared that both sides reached an understanding about the zoning relief necessary and agreed about the appropriate use of the property.

Robert Poleski and Michael Poleski are brothers. They presently own this property, having inherited same from their parents, William and Agnes Poleski. The property consists of five lots, numbered 506 thru 510, as platted in the older subdivision known as Swan Point. This subdivision is located within the Chesapeake Bay Critical Area and abuts Hawk Cove. The community was originally developed many years ago with 50 ft. wide lots. Collectively, the property is at the south eastern corner of the intersection of Cuckhold Point Road and 5th Street. The property is improved with a series of buildings, including a one story metal building, a one story block building, a one story framed dwelling, two one-story framed dwelling buildings and several smaller sheds and similar storage buildings. Additionally, a portion of the property is improved with a macadam parking area. Other parts of the property are also used for parking, however, those areas are not macadam and are either gravel or in lawn.

The senior Mr. and Mrs. Poleski, the parents of Robert and Michael, acquired the property over the years through a series of transactions. Initially, they purchased lot 509 in November of 1954. Shortly, thereafter, in January of 1956, they acquired the adjacent lot, numbered 508. In 1984, two additional lots were acquired, Nos. 506 and 507. The final parcel acquired, lot No. 510, was purchased in 1986. Lots 506 and 507

ORDER RECEIVED FOR FILING

Date

By

are immediately adjacent to the corner of Cuckold Point Road and 5th Avenue and have been used for many years as a boat yard/marina. Originally, those two lots contained a business known as Paul's Marina. Mr. and Mrs. Poleski also operated their own boat yard, from lots 508 and 509. That business was operated under the name of Bill's Marina.

The land uses known as "boat yards" and "marinas" are defined in Section 101 of the BCZR. A boat yard is defined as, "A commercial or non-profit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types." A marina is defined as, "A modern boat basin, restricted to recreational marine craft of all types with facilities for one or more of the following: "berthing, launching and securing such craft, and permitting incidental minimum provision for refueling and emergency servicing, as well as incidental sale of boats, and also land (out of water) storage as provided in Section 417.7". Generally, Section 417 of the BCZR regulates waterfront construction. This includes out of storage facilities, piers, wharfs, docks, bulkheads and other construction which extends into the water.

The zoning of the property and its history is also significant. Originally, the property was all zoned M.H.-I.M., an intense zoning classification which permits manufacturing and commercial uses. In 1976, the property's zoning was changed to D.R.5.5. Later, in 1984, a portion of the property was rezoned to B.M. That rezoning adopted in 1984 remains in effect today. Under the present zoning maps, all of the lots 506, 507 and 508 are zoned B.M. Additionally, approximately one-half of lot 509 is also zoned B.M. The other one-half of lot 509, as well as all of lot 510, is zoned D.R.5.5.

ORDER RECORDED AT 11:00 AM

Date

By

The B.M. (Business-Major) zone is a commercial zone. Pursuant to Section 233 of the BCZR, both boat yards and marinas are permitted by right in the B.M. zone. The D.R.5.5 zone is a residential zone. Boat yards are permitted therein by special exception only.

A portion of the zoning relief requested within the Petition seeks approval of a nonconforming use. Nonconforming uses are defined in Section 101 of the BCZR and regulated by Section 104. Essentially, a nonconforming use is a use which is not permitted under the zoning classification of the subject property or by the zoning regulations which regulate that particular zone. Nonetheless, the nonconforming use designation is used to legitimize the otherwise illegal uses. Specifically, the nonconforming use designation is utilized to grandfather an otherwise illegal use. That is, if the use was at one time permitted, however, an intervening change in the law or zone has made the use illegal under the present zone or regulation, the use may remain. Section 104 regulates nonconforming uses and provides that same may not be improperly expanded or altered in character. In this case, the relevant date at issue is 1976. Prior to that time, the entire property was zoned with the classification, M.H. (Manufacturing-Heavy) which permitted the boat yard/marina use. If the Petitioners establish that the boat yard use existed prior to that date, same is grandfathered and may continue as a nonconforming use.

The uncontradicted testimony and evidence presented was that the boat yard/marina use has continuously and uninterruptedly existed on lots 506, 507, 508 and 509 since at least the mid 1950s. Moreover, the testimony was persuasive that that use has not materially changed over the years or expanded. For all of these reasons, I am persuaded to grant that portion of the Petition to confirm the nonconforming use status on that portion of lot 509 zoned D.R.5.5. Such a nonconforming designation is not necessary

ORDER RECORDED FOR FILING

Date

By

12/11/97
J. J. G. G. G.

for lots 506, 507, 508 and the 1/2 of the lot 509, zoned B.M., in that the marina/boat yard use may exist as of right on those lots. However, that portion of lot 509 which is zoned D.R. is nonconforming. Thus, the Petitioners' boat yard/marina may lawfully operate on lots 506-509.

As to lot 510, the nonconforming use designation does not attach. In this regard, the Petitioners' candid testimony was that that lot has not been used as a commercial boat yard/marina over the years. Although there has been storage of the owners' own water craft on that property, over the years, the lot has not been used commercially. Thus, the nonconforming use designation does not attach to lot 510. Moreover, unless there is a change to the property's zoning classification, lot 510 (zoned D.R.5.5) may not be used in a commercial fashion. This prohibition on commercial activity extends not only to the land, itself, but also to any extension (i.e., pier, bulkhead, etc.) into Hawk Cove from that property.

The second portion of the Petition relates to an amendment to the site plan. In this regard, variance relief was granted by Deputy Commissioner Timothy M. Kotroco, in zoning case 95-151-A, for a proposed dwelling on lot No. 510. The site plan submitted in that case was approved. The site plan offered in the instant case depicts lot 510 and amends the previous plan by showing two areas on lot 510 which are designated as boat/storage areas. In this regard, Mr. Poleski testified that he has stored some of his own boats on lot 510. He also indicated that prior owners also stored their own watercraft on the lot. The neighbors who appeared corroborated this testimony. Under these circumstances, it appears appropriate that Mr. Poleski can continue to utilize lot 510 in this fashion. That is, he may store up to 25 row boats, not exceeding 16 ft. in length, on the property. All of these boats must be owned by him and he cannot use lot 510 to store boats owned by others, either for rent

ORDER RECEIVED FOR FILING

Date

By

or for free, to sell supplies from the lot, or to engage in any commercial activities thereon. That is, although he may store his own personal watercraft on lot 510, no other storage or commercial activity of any kind can exist on that lot. An amendment to the previously approved site plan to reflect this practice is hereby approved.

The final portion of the relief requested relates to the parking arrangement. In this regard, Mr. Poleski testified that parking for the existing boat yard is by way of a somewhat haphazard manner as shown on the plan. A portion of the property which contains macadam is used for parking as are parts of the lawn and gravel area. The parking arrangement as it exists appears appropriate. The addition of durable, dustless surface could be inappropriate and could potentially cause storm water runoff into this tributary of the Chesapeake Bay. The neighbors present indicated that the parking arrangement works and there were no complaints of overflow parking or disruption to the traffic patterns in the neighborhood. Thus, I shall also approve the parking arrangement as shown on the plan.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11TH day of December 1997 that the portion of the Petitioners' property known as lot 509 which is zoned D.R.5.5 be and is hereby designated as a nonconforming use for a boat yard/marina; and

IT IS FURTHER ORDERED that the portion of the Petitioners' property known as lot 510 is not designated as a nonconforming use and may not be used for any commercial purpose; and,

ORDER RECEIVED FOR FILING

Date

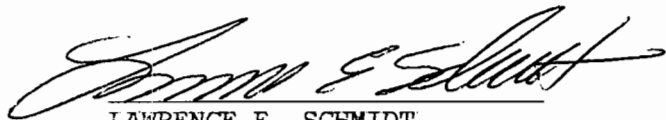
By

12/11/97
M. York

IT IS FURTHER ORDERED that an amendment to the previously approved site plan dated 10/12/94, be and is hereby approved; and

IT IS FURTHER ORDERED that a modified parking plat, as shown on Petitioners' Exhibit No. 1, pursuant to Section 409.12 of the BCZR, be and is hereby APPROVED; all subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired.
2. The Petitioners shall engage in no commercial activity from lot 510 and the storage of any boats thereon shall be limited to the Petitioners' own boats, not to exceed 25 in number and 16 ft. in length.
3. Any expansion to existing commercial facilities on the subject property shall require a public hearing and an amendment to the Petition for Special Hearing granted herein.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn.

ORDER RECEIVED FOR FILING
Date 12/14/97
By Mr. [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

December 10, 1997

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21087

RE: Petition for Special Hearing
Case No. 98-3-SPH
Property: 9033 Cuckold Pt. Road
Robert & Michael Poleski, Petitioners

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted in part and denied in part, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

- c: Messrs. Robert & Michael Poleski
9033 Cuckold Point Road, Baltimore, Md. 21219-1635
- c: Mr. Joseph Larson
Spellman, Larson and Associates, 105 W. Chesapeake Avenue
Towson, Md. 21204
- c: Mr. Edward Idranicka, 9025 Cuckold Pt. Road 21219
- c: Ms. Christina K. Minnick 9103 Cuckold Point Rd., 21219
- c: Mr. Phillip J. Sessa, 2708 6th St., 21219
- c: Mr. Adam F. Szczypinski, 9039 Cuckold Point Road, 21219





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

9033 CUCKOLD PT. ROAD

which is presently zoned BM & DR 5.5

This Petition shall be filed with the Office of Zoning Administration & 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

to confirm and continue a pre-existing non-conforming use of a Boat Yard/Marina in a BM/DR 5.5 Zone; to amend a previously approved Site Plan dated Oct. 12, 1994; and to approve a modified parking plan pursuant to BCZR Section 409.12

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

I, or we, agree to pay expenses of above Special Hearing 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:

DNA

(Type or Print Name)

DNA

Signature

DNA

Address

DNA

City

State

Zipcode

Attorney for Petitioner:

John B. Gonten
(Type or Print Name)

[Signature]
Signature

514 Boston Blvd 410 686-8274
Address Phone No.

Baltimore Md 21087
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):

ROBERT POLESKI

(Type or Print Name)

Signature

MICHAEL POLESKI

(Type or Print Name)

Signature

9033 CUCKOLD PT. RD. (410) 477-5137

Address

Phone No.

BALTIMORE MD 21219-1635

City

State

Zipcode

Name, Address and phone number of representative to be contacted
SPELLMAN, LARSON & ASSO INC.

Joseph L Larson

Name

105 W. Chesapeake Ave. (410) 823-3535

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: *JRF*

DATE *7-1-97*

3



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

98-3-SP1X

SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 825-5215

DESCRIPTION FOR ZONING, 9033 CUCKOLD POINT ROAD, 15TH
DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at the corner formed by the intersection of the southeast side of Cuckold Point Road, 30 feet wide, and the northeast side of 5th Street, 30 feet wide, as shown on a Plat of Swan Point said Plat being recorded among the Plat Records of Baltimore County in Liber L Mc LM, No. 9, folio 5 and running thence and binding on the southeast side of Cuckold Point Road north 44 Degrees 22 Minutes east 260 feet thence leaving the southeast side of Cuckold Point Road and running south 45 Degrees 10 Minutes east 150.00 feet, more or less, to the western side of Hawk Cove (called Cuckold Cove on said Plat) and running thence and binding on the westernmost line of Hawk Cove southerly and southwesterly 315 feet, more or less, to the northeast side of 5th Street herein referred to and running thence and binding on the northeast side of 5th Street north 45 Degrees 10 Minutes west 284 feet, more or less, to the place of beginning.



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 825-5215

983-SPLH

DESCRIPTION FOR ZONING, 9033 CUCKOLD POINT ROAD, 15TH
DISTRICT, BALTIMORE COUNTY, MARYLAND

Page:2

Containing 62,110 square feet or 1.43 acres of land,
more or less.

Being Lot Nos. 506 through 510 as shown on a Plat of
Swan Point said Plat being recorded among the Plat Records
of Baltimore County in Plat Book L Mc LM, No. 9, folio 5.

6/24/97



3



Baltimore County
Department of Permits and
Development Management



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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 3 BILLS BOATS
Petitioner: ROBERT & MICHAEL POLESKI
Location: 9033 CUCKOLD PT. RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ROBERT POLESKI
ADDRESS: 9033 CUCKOLD PT. RD.
BALTO. MD. 21219
PHONE NUMBER: 410-477-5137

AJ:ggs

(Revised 09/24/96)

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

041011

DATE 7-1-97 ACCOUNT R-001-615-000

AMOUNT \$ 250.00

RECEIVED FROM: Bills Boet Millers Island

FOR: 040 - SPH - 250.00 Taken by: JRF
ITEM # 3

PAID RECEIPT

PRINCESS ACTUAL THE

7/01/1997 7/01/1997 10:57:48

REG 4504 CASHIER LSH LXS DRAWER 4

MISCELLANEOUS CASH RECEIPT

REG 4504 CASHIER LSH LXS DRAWER 4

CR NO. 041011

250.00 CHECK

Baltimore County, Maryland

OPEN

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

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: #98-3-SPH
9033 Cuckold Point Road
SE/S Cuckold Point Road, 60'
+/- S from c/1 4th Street
15th Election District
7th Councilmanic
Legal Owner(s):

Robert Poleski and Michael Poleski

Special Hearing: To confirm and continue a pre-existing non-conforming use of a boatyard/marina; to amend previously approved site plan dated 10/92/94; and to approve a modified parking plan.
Hearing: Wednesday, August 13, 1997 at 10:00 a.m., 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 (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

7/336 July 24 C160211

TOWSON, MD., 7/24, 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 7/24, 1997.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

Request for Zoning: Var  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.: 98-3-SPH

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

PLACE: * _____

DATE AND TIME: * _____

REQUEST: Special Hearing - To confirm and continue a pre-
existing non-conforming use of a Boat Yard/Marina in a
BM/DR.5.5 zone. ; To amend a previously approved
Site Plan dated Oct. 12, 1994; and to approve a modified
parking plan pursuant to BCZR sec. 409.12

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

CERTIFICATE OF POSTING

RE: Case No.:

98-3-SPH

Petitioner/Developer:

POLESKI, ETAL

Date of Hearing/Closing:

8/13/97

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

#9033 CUCKOLD POINT
ROAD

The sign(s) were posted on

7/25/97

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 7/28/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

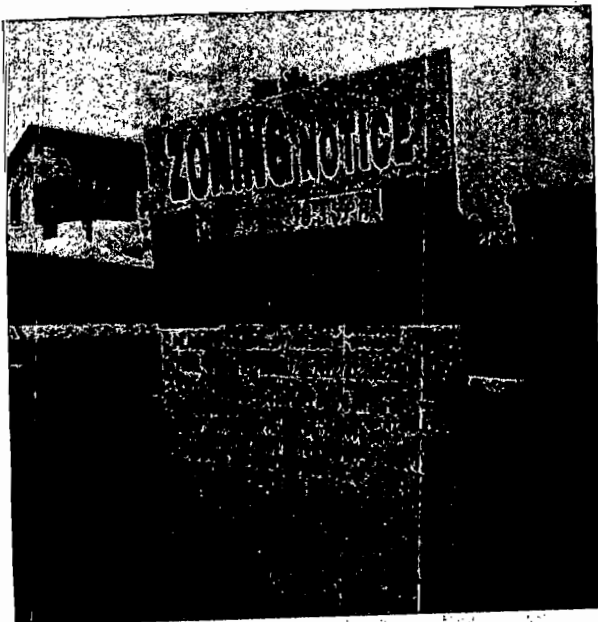
(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410) 646-8354
(Telephone Number)



BILLS BOATS (POLESKI)
#9033 CUCKOLD POINT RD,
7/13/97 HB/13/97

RE: Case No.:

98-3-SPH

Petitioner/Developer:

POLESKI, ETAL

C/O JOSEPH LARSON & JOHN GONTROM

Date of Hearing/Closing:

9/16/97

2:00 P.M.

RM-407

COURTS BLDG

RESCHEDULE

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 #9033 CUCKOLD PT. RD.

@ BILLS BOATS

The sign(s) were posted on

8/29/97

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe

8/29/97

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

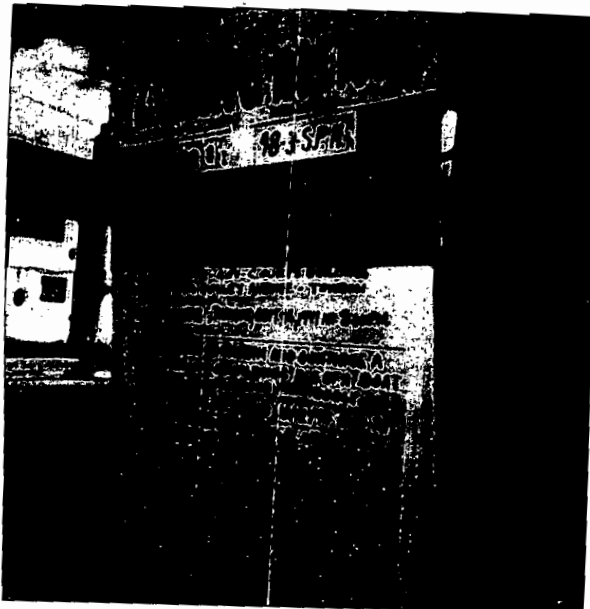
(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

Pager (410) 646-8354

905-8571



98-3-SPH - BILLS BOATS
#9033 CUCKOLD POINT ROAD
H- 9/16/97 2PM

CERTIFICATE OF POSTING

RE: Case No.: 98-3-SPH

Petitioner /Developer: _____

ROBERT & MICHAEL POLESKI

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 9033 CUCKOLD POINT RD.

The sign(s) were posted on 1/27/98
(Month, Day, Year)

Sincerely,

Gary C. Freund
Signature of Sign Poster and Date

GARY C. FREUND
Printed Name

Address

City, State, Zip Code

Telephone Number



Baltimore County
Department of Permits and
Development Management

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

August 22, 1997

NOTICE OF REASSIGNMENT

Rescheduled from 8/13/97
CASE NUMBER: 98-3-SPH
9033 Cuckold Point Road
SE/S Cuckold Point Road, 60'+/- S from c/l 4th Street
15th Election District - 7th Councilmanic
Legal Owner(s): Robert Poleski and Michael Poleski

Special Hearing to confirm and continue a pre-existing
non-conforming use of a boatyard/marina; to amend previously
approved site plan dated 10/12/94; and to approve a modified parking
plan.

HEARING: TUESDAY, SEPTEMBER 16, 1997 at 2:00 p.m., Room 407 Courts
Building, 401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" written in a larger, more prominent script than the last name "Jablon".

ARNOLD JABLON
DIRECTOR

cc: Robert and Michael Poleski
Joseph L. Larson
John B. Gontrum, Esq.

PLEASE NOTE THAT THE ZONING SIGN ON THE PROPERTY MUST BE ALTERED TO
GIVE NOTICE OF THE ABOVE HEARING ON OR BEFORE SEPTEMBER 1, 1997 AND
CERTIFICATION OF SAME FILED WITH THIS OFFICE. PLEASE CONTACT THE SIGN
VENDOR USED FOR THE ORIGINAL POSTING.





Baltimore County
Department of Permits and
Development Management

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

July 18, 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: 98-3-SPH
9033 Cuckold Point Road
SE/S Cuckold Point Road, 60'+/- S from c/l 4th Street
15th Election District - 7th Councilmanic
Legal Owner(s): Robert Poleski and Michael Poleski

Special Hearing to confirm and continue a pre-existing non-conforming use of a boatyard/marina; to amend previously approved site plan dated 10/12/94; and to approve a modified parking plan.

HEARING: WEDNESDAY, AUGUST 13, 1997 at 10:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

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

Arnold Jablon
Director

cc: Robert and Michael Poleski
Spellman, Larson & Associates, Inc.
John B. Gontrum, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 29, 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

May 12, 1998

NOTICE OF ASSIGNMENT

CASE #: 98-3-SPH

IN THE MATTER OF: ROBERT POLESKI & MICHAEL POLESKI
-Petitioners 9033 Cuckold Point Road
15th Election District; 7th Councilmanic

(Petition for Special Hearing GRANTED in part as
indication in Z.C.'s Order.)

ASSIGNED FOR:

TUESDAY, JULY 14, 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: Appellant : People's Counsel for Baltimore County

Petitioners : Robert Poleski and Michael Poleski
Counsel for Petitioners : John B. Gontrum, Esquire

Joseph Larson /Spellman, Larson and Associates

Edward Idranicka
Christina K. Minnick
Phillip J. Sessa
Adam F. Szczypinski

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



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

July 17, 1998

NOTICE OF POSTPONEMENT

CASE #: 98-3-SPH

IN THE MATTER OF: ROBERT POLESKI & MICHAEL POLESKI
-Petitioners 9033 Cuckold Point Road
15th Election District; 7th Councilmanic

**(Petition for Special Hearing GRANTED in part as
indication in Z.C.'s Order.)**

which was scheduled for hearing before the Board on 7/14/98 was POSTPONED on the record by agreement of Counsel for Petitioner and the Office of People's Counsel for Baltimore County; TO BE RESET UPON REQUEST; NOTICE OF HEARING TO BE SENT AT THAT TIME.

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: Appellant : People's Counsel for Baltimore County

Petitioners : Robert Poleski and Michael Poleski
Counsel for Petitioners : John B. Gontrum, Esquire

Joseph Larson /Spellman, Larson and Associates

Edward Idranicka
Christina K. Minnick
Phillip J. Sessa
Adam F. Szczypinski

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





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

FAX: 410-887-3182

June 16, 1999

NOTICE OF ASSIGNMENT

CASE #: 98-3-SPH

IN THE MATTER OF: ROBERT POLESKI & MICHAEL POLESKI
-Petitioners 9033 Cuckold Point Road
15th Election District; 7th Councilmanic

(Petition for Special Hearing GRANTED in part as
indication in Z.C.'s Order.)

ASSIGNED FOR:

WEDNESDAY, AUGUST 25, 1999 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: Appellant

: People's Counsel for Baltimore County

Petitioners
Counsel for Petitioners

: Robert Poleski and Michael Poleski
: John B. Gontrum, Esquire

Joseph Larson /Spellman, Larson and Associates

Edward Idranicka
Christina K. Minnick
Phillip J. Sessa
Adam F. Szczypinski

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





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

FAX: 410-887-3182

August 13, 1999

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 98-3-SPH

IN THE MATTER OF: ROBERT POLESKI & MICHAEL POLESKI
-Petitioners 9033 Cuckold Point Road
15th Election District; 7th Councilmanic

(Petition for Special Hearing GRANTED in part as
indication in Z.C.'s Order.)

which was scheduled for hearing on 8/25/99 has been POSTPONED by request of
People's Counsel and Counsel for Petitioner; and has been

REASSIGNED FOR: TUESDAY, AUGUST 31, 1999 at 10:30 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: Appellant : People's Counsel for Baltimore County

Petitioners : Robert Poleski and Michael Poleski
Counsel for Petitioners : John B. Gontrum, Esquire

Joseph Larson /Spellman, Larson and Associates

Edward Idranicka
Christina K. Minnick
Phillip J. Sessa
Adam F. Szczypinski

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



Baltimore County
Department of Permits and
Development Management

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

October 2, 1997

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, MD 21087

RE: Item No.: 3
Case No.: 98-3-SPH
Petitioner: Robert & Michael Poleski

Dear Mr. Gontrum:

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 July 1, 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, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

17 1997

INTER-OFFICE CORRESPONDENCE

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

DATE: July 15, 1997

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 571, 580, 591, 3, 4, 8, 9

If there should be any questions or if this office can provide additional information,
please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

AFK/JL

Baltimore County Government
Fire Department



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

July 18, 1997

(410) 887-4500

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

RE: Property Owner: Robert Poleski & Michael Poleski

Location: DISTRIBUTION MEETING OF July 14, 1997

Item No.: 003 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.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



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: July 21, 1997

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

SIGNED: ROBERT W. BOWLING

SUBJECT: Zoning Advisory Committee Meeting
 for July 21, 1997
 Item Nos. 590, 591, (003), 004, 005,
 007, 008

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

____ Attach original petition

Date July 22, 1997

To: Arnold L. Jablon

From: R. Bruce Seeley *RBSS/98*

Subject: Zoning Item: #003

Poleski Property, 9033 Cuckold Point Road

Zoning Advisory Committee Meeting of: July 14, 1997

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).
 - X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
 - X Development of this property must comply with the Chesapeake Bay Critical Area Water Dependent Facilities Manual (Comprehensive or Abbreviated Review Process).
 - X Development of this property must specifically comply with the Limited Development Area and Buffer Management components of the Chesapeake Bay Critical Area Regulations.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
9033 Cuckold Point Rd, SE/S Cuckold Point * ZONING COMMISSIONER
Rd, 60'+/- S from c/l 4th Street * OF BALTIMORE COUNTY
15th Election District, 7th Councilmanic *
Robert Poleski and Michael Poleski * CASE NO. 98-3-SPH
Petitioner *

* * * * *

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 6th day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

WCE



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

December 30, 1997

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
9033 Cuckold Point Road, SE/S Cuckold
Point Rd, 60'+/- S from c/l 4th Street
15th Election Dist, 7th Councilmanic
ROBERT POLESKI and MICHAEL POLESKI
Legal Owners/Petitioners
Case No. 98-3-SPH

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Order dated December 11, 1997 of the Baltimore County Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

A handwritten signature in cursive script, reading "Peter Max Zimmerman".

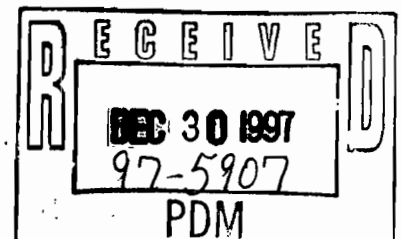
Peter Max Zimmerman
People's Counsel for Baltimore County

A handwritten signature in cursive script, reading "Carole S. Demilio".

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: John B. Gontrum, Esq., Attorney for Petitioners





Baltimore County
Department of Permits and
Development Management

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

January 2, 1998

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, MD 21087

RE: Petition for Special
Hearing
SE/S Cuckold Point Rd, 60
ft. +/- S from c/l 4th St.
(9033 Cuckold Point Road)
15th Election District
7th Councilmanic District
Robert Poleski & Michael
Poleski - Petitioners
Case No. 98-3-SPH

Dear Mr. Gontrum:

Please be advised that an appeal of the above-referenced case was filed in this office on December 30, 1997 by Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel. 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 black ink, appearing to read "Arnold Jablon". The signature is stylized with a large, sweeping "A" and a long, horizontal stroke at the end.

ARNOLD JABLON
Director

AJ:rye

c: Mr. Edward Idranicka
Ms. Christina K. Minnick
Mr. Phillip J. Sessa
Mr. Adam F. Szczypinski
People's Counsel



APPEAL

Petition for Special Hearing
SE/S Cuckold Point Road, 60 feet +/- S from c/l 4th Street
(9033 Cuckold Point Road)
15th Election District - 7th Councilmanic District
Robert Poleski & Michael Poleski - Petitioners
Case No. 98-3-SPH

- ✓ Petition for Special Hearing
- ✓ Description of Property
- ✓ Certificates of Posting
- ✓ Certificate of Publication
- ✓ Entry of Appearance
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioners and Citizens Sign-In Sheets

RECEIVED
COUNTY BOARD OF APPEALS
98 JAN -6 AM 11:31

Petitioners' Exhibits: ✓ 1 - Letter from Agnes C. Poleski to Councilman
John O'Rourke dated April 9, 1984
✓ 2 - Plat to Accompany Petition for Special
Hearing (marked as Petitioner's Exhibit #1
in Zoning Commissioner's Order)

- ✓ Findings of Fact and Conclusions of Law in Case 95-151-A dated December
13, 1994 (Granted)
- ✓ Seven Photographs not Marked as Exhibits
- ✓ Zoning Commissioner's Order dated December 11, 1997 (Approved)
- ✓ Notice of Appeal received on December 30, 1997 from Peter Max
Zimmerman and Carole S. Demilio on behalf of People's Counsel

c: John B. Gontrum, Esq., 814 Eastern Boulevard, Baltimore, MD 21087
Messrs. Robert & Michael Poleski, 9033 Cuckold Point Road,
Baltimore, MD 21219-1635
Mr. Joseph Larson, Spellman, Larson and Associates, 105 W.
Chesapeake Avenue, Towson, MD 21204
Mr. Edward Idranicka, 9025 Cuckold Point Road, Baltimore, MD 21219
Ms. Christina K. Minnick, 9103 Cuckold Point Road, Baltimore,
Maryland 21219
Mr. Phillip J. Sessa, 2708 6th Street, Baltimore, MD 21219
Mr. Adam F. Szczypinski, 9039 Cuckold Pt. Rd., Baltimore, MD 21219
✱ People's Counsel of Baltimore County, M.S. 2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 98-3-SPH

SPH -Approval to confirm and continue pre-existing nonconforming use of boat yard /marina in BM/DR 5.5 zone; amend previously approved site plan dated 10/12/94; and approve modified parking plan.

12/11/97 - Z.C.'s Order in which Petition for Special Hearing was GRANTED in part.

5/12/98 - Notice of Assignment for hearing scheduled for Tuesday, July 14, 1998 at 10:00 a.m. sent to following:

People's Counsel for Baltimore County
Robert Poleski and Michael Poleski
John B. Gontrum, Esquire
Joseph Larson /Spellman, Larson and Associates
Edward Idranicka
Christina K. Minnick
Phillip J. Sessa
Adam F. Szczypinski
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

7/08/98 -T/C from C. Demilio; postponement to be requested on the record; said request to be made at scheduled hearing of 7/14/98; to allow sufficient time for resolution of issues. To be reset for hearing only upon request.

7/13/98 -T/C from Dr. Szczypinski -- to confirm postponement for 7/14/98 hearing; also asks that he be advised when said PP is granted and that he be notified of reassignment date.

7/14/98 -Board convened as scheduled at 10:00 a.m.; matter postponed on the record as indicated above; to be reset only upon request. T/C to Dr. Szczypinski's office and message left that case was postponed.

7/17/98 -Notice of Postponement sent to all parties listed; to be reassigned only upon request, with notice sent to all listed parties at that time.

10/28/98 -Copy of letter from Zoning Commissioner to John Gontrum, Esquire in response to Mr. Gontrum's letter of 9/24/98 regarding pier construction and use of boat racks. Noted that copies were sent by ZC to Dr. Szczypinski, Messrs Hobson, R. Poleski and M. Poleski.

6/16/99 -Pursuant to request of Office of People's Counsel, this matter has been scheduled for hearing in normal course of docketing; Notice of Assignment for hearing scheduled for Wednesday, August 25, 1999 at 10:00 a.m. sent this date to the following parties as listed above.

8/13/99 -P. Zimmerman and J. Gontrum requested this date that the 8/25/99 hearing in this matter be postponed; have reached resolution of issues; request that this case be reassigned to 8/31/99 for brief hearing on the record. Notice of PP and Reassignment sent to parties this date.

8/31/99 -Board convened for hearing; agreement to be prepared by counsel; proposed order to be submitted for review. (Stahl, Barranger, Worrall)

Case No. 98-3-SPH

Robert Poleski and Michael Poleski

Page 2

10/18/99 -Proposed Opinion and Order submitted by parties; to be reviewed by Board. Final Opinion/Order to be issued pursuant to the record of 8/31/99 and agreement of counsel. (L.B.W.)



HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401-1991

JAKE MOHOROVIC

DISTRICT 7
BALTIMORE COUNTY

COMMITTEE:
ENVIRONMENTAL MATTERS

SUB-COMMITTEE
HEALTH AND PUBLIC UTILITIES

ANNAPOLIS OFFICE:

305 LOWE HOUSE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401-1991
(410) 841-3334
TOLL FREE: 1-800-492-7122 EXT. 3334
FAX (410) 841-3850

DISTRICT:

1947 MIDLAND ROAD
DUNDALK, MARYLAND 21222
(410) 284-5253

May 30, 1998

*Dutch Ruppersberger
Baltimore County Executive
400 Washington Avenue
Towson, MD 21204*

Dear Executive Ruppersberger,

My letter comes to your attention on behalf of Dr. Adam F. Szczypinski, 1422 East Joppa Road, Towson, MD 21204, (410)-296-8454, owner of the property located next to Bill's Boat on Cuckold Road in Millers Island, MD 21219.

Dr. Szczypinski is concerned about the proposed expansion and how it may impact his property.

I would appreciate if your office would have the Zoning Commissioner of Baltimore County set down in writing the steps in the zoning process from step one to the final appeal in order that Dr. Szczypinski may be fully aware of the avenues available to him.

I have enclosed a copy of his letter which provides details of his concerns.

With kind regards, I am

Sincerely,


Jake Mohorovic
State Delegate

cc: Dr. Adam F. Szczypinski



ADAM F. SZCZYPINSKI, M.D., F.A.C.S., P.A.

1422 East Joppa Road
Baltimore, Maryland 21204
Telephone: (410) 296-8454

Diplomate of American
Board of Surgery
Assistant Professor
of Surgery

General Surgery
Endoscopic Surgery
Laposcopic Surgery
Colon and Rectal Surgery
Abdominal Surgery
Trauma Surgery
Breast Surgery
Endocrine Surgery
Oncology Surgery

Fellow of American
College of Surgeons
Baltimore Academy
of Surgery
University Surgical
Society
Fellow of Southeastern
Surgical Society

July 13, 1998

Kathleen Bianco
County Board of Appeals
400 Washington Avenue
The Old Courthouse
Towson, MD 21204

Dear Mrs. Bianco,

This letter is a follow up on our conversation on 7/13/98 concerning the Petition for Special Hearing and the appeal for the Petition for Special Hearing fostered by Peter Max Zimmerman and Carole DeMillio.

You informed me that the original appeal date of 7/14/98 would be postponed to a date sometime in the fall.

I would appreciate it very much if you would be so kind as to notify me of the new date. There are other residents in the area that are also interested in the appeal and wish to appear at the appeal. These are Edward Hronicki of the Fisherman's Inn, Christina Minnick, Duffy Minnick, Pete Galaboski, Phillip J. Sessa, and Albert Nocar.

These citizens and I request notification of the date of the appeal. The appeal concerns the properties of Robert Poleski and Michael Poleski, Petitioners, 9033 Cuckold Point Road. This concerns case number 98-3-SPH. If any additional information is needed, please do not hesitate to contact me.

With kindest regards,

Adam F. Szczypinski, M.D.

RECEIVED
COUNTY BOARD OF APPEALS
98 JUL 17 PM 12:08



ADAM F. SZCZYPINSKI, M.D., F.A.C.S., P.A.

1422 East Joppa Road
Baltimore, Maryland 21204
Telephone: (410) 296-8454

Diplomate of American
Board of Surgery
Assistant Professor
of Surgery

General Surgery
Endoscopic Surgery
Laparoscopic Surgery
Colon and Rectal Surgery
Abdominal Surgery
Trauma Surgery
Breast Surgery
Endocrine Surgery
Oncology Surgery

Fellow of American
College of Surgeons
Baltimore Academy
of Surgery
University Surgical
Society
Fellow of Southeastern
Surgical Society

May 18, 1998

Delegate Jake Mohorovic
1947 Midland Road
Dundalk, MD 21222

Dear Delegate Mohorovic,

Recently the Maryland Department of The Environment has issued a notice of a request for a permit for the expansion of Bill's Boats on Millers Island.

My property adjoins his property and at no time, did Michael and Robert Poleski discuss with me their proposed expansion. Without going into a lot of detail, it is planned by Michael and Robert Poleski that a 300' pier would be immediately on both my property line and water line which would obstruct my access to the Chesapeake Bay and my boat launching ramp.

Their proposal to construct a floating pier would create a threat to both human lives and property during a storm. This commercial floating dock is being constructed in front of a residential lot. According to the Baltimore County Zoning Commissioner's findings of facts and conclusion of law, the Zoning Commissioner, Lawrence E. Schmidt, stipulates that no commercial piers should be put in front of this non-commercial property.

I questioned the available parking space for the additional number of slips created by this expansion. I also questioned the size of this expansion and it's conformity to the surrounding community.

I would appreciate it if you would support me in opposing this illegal expansion.

Sincerely yours,

Adam F. Szczypinski, M.D.

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR. *

* Also Admitted In the District of Columbia

September 24, 1998

Lawrence E. Schmidt, Esq.
Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Case No. 98-3-SPH
Permit No.: B-347596-C
Robert and Michael Poleski

Dear Mr. Schmidt:

Last December you rendered a decision in the above-referenced case wherein the Poleski's petitioned for a Special Hearing "to confirm and continue a pre-existing nonconforming use of a boat yard/maria in a B.M./D.R.5.5 zone; to amend the previously approved site plan dated October 12, 1994; and to approve a modified parking plan pursuant to BCZR, Section 409.12."

The hearing mostly pertained to Lots 509 and 510. Lot 509 was split zoned BM and D.R.5.5 and contained a wood pier as shown in photographs introduced to establish the non-conforming status of the property as being part of the boatyard operation on the adjoining B.M. zoned parcels. Lot 510 was zoned D.R. 5.5, but boats made by the Petitioners' father are stored there until they can be soled or moved. The B.M. zoned property was part of the hearing to reestablish a parking configuration.

As you may recall from time of the hearing, several photos were introduced showing piers coming from the property. The site plan, however, did not fully depict the piers, for the issue was not their use but only dealt with a parking configuration on the B.M. portion and the non-conforming use status on Lots 509 and 510.

Your Opinion and Order, a copy of which is attached, granted the non-conforming use status to Lot 509, denied it for lot 510, but gave interim relief, and granted the relief requested on the parking issues on the B.M. zoned property subject to conditions.

CLIENT'S COPY

One of the conditions was that "any expansion to commercial facilities on the subject property shall require a public hearing and an amendment to the Petition for Special Hearing granted herein."

Petitioners have come to the county for the above referenced permit to replace an existing pier on the property. DEPRM agrees that the pier is existing, and all departments but for zoning have signed off on the permit. The issue raised by Mr. Merrey in his July 30 letter is whether this is an "expansion". A copy of his letter is attached. Clearly, it is an existing pier as the evidence, if not the site plan, indicated. Your release of this permit for the pier would be appreciated.

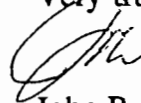
A second issue also is looming. The Poleskis have purchased several portable racks two high. These racks are not permanently anchored to the ground but are intended to be moved around and are considered to be "yard equipment" by the dealer selling the racks. Because of their portability, they are useful in the operation of the boatyard.

Apart from other zoning issues it would appear that your order would not really pertain to this "yard equipment", for while it could be argued to be an intensification of a use, it certainly does not expand the existing use, nor do they constitute an additional facility or building. They do not reduce parking, and if anything they increase it on the site.

In the context of the hearing for a non-conforming use, the distinction between expansion and intensification is very important. My clients understand that the non-conforming use may not be expanded without a special hearing. They did not understand, however, that usage of their site could not be intensified or altered by such portable equipment under the terms of the order. The issue really would be whether by the terms of the order such equipment was intended to be prohibited on the B.M. property without a hearing.

Thank you for your consideration of these issues.

Very truly yours,



John B. Gontrum

cc. Michael and Robert Poleski



Baltimore County
Zoning Commissioner
Office of Planning

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

October 27, 1998

John Gontrum, Esquire
Romadka, Gontrum and McLaughlin, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: Case No. 98-3-SPH
Permit No. B-347596-C
Robert and Michael Poleski

Dear Mr. Gontrum:

This is to acknowledge your letter of September 24, 1998 regarding the above matter. First, it is to be noted that the opinion and Order issued by me on December 11, 1997 has been appealed to the County Board of Appeals. I called the Board and have been advised that the matter was scheduled for public hearing on July 14, 1997. However, the hearing has been continued from that date and apparently has not been reset. In any event, jurisdiction in this matter is now vested with the County Board of Appeals. Thus, the comments which I make herein are advisory only, subject to whatever decision is made on the merits of this case by the County Board of Appeals.

The first issue raised in your letter relates to the Petitioners' proposed construction of a pier leading from the property into Hawk Cove. Your letter represents that the proposed construction will replace an existing pier. If, indeed, what is proposed is a replacement, it would be my judgment that such construction would not be an expansion of the use of the property. That is, if the proposed pier will replace a structure which is in need of repair or, otherwise, unusable, then such construction would not be in the nature of an enlargement of the activity which occurs on the site. Obviously, an examination of the size of the proposed construction versus the existing pier would have to be considered.

Second, you raise a question about the potential use of boat racks on the property. I must honestly confess that I know little about the configuration and size of boat storage racks. In my limited experience, my understanding was that these structures are normally permanent in nature and can be quite sizeable. If such equipment is proposed here, it seems to be an expansion of the business, in that it will increase boat storage capacity. However, your letter indicates that what is proposed is a portable device which can be moved around the property. Although that is somewhat difficult to imagine, if it is, indeed, the case, it may not be an expansion of the use if it is merely considered one of the "tools of the trade" in operating a boat yard. Again, further



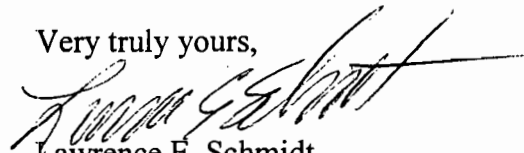
John Gontrum, Esquire
Romadka, Gontrum and McLaughlin, P.A.
Page 2 ____.

study of exactly what is proposed; i.e., its construction, permanency, capacity, etc., would need be considered before a definitive conclusion can be reached.

I trust that the above has been helpful in providing my view of the issues which you have raised. However, again, I defer to the County Board of Appeals and the matter pending before it.

Please do not hesitate to contact me should you have any further questions regarding this matter.

Very truly yours,



Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

- c: Adam F. Szczypinski, M.D.
1422 E. Joppa Road
Towson, Maryland 21204
- c: Mr. Carl Hobson
Millers Island Edgemere Business
Assoc. Inc.
P.O. Box 6573
Baltimore, Maryland 21219
- c: Messrs. Robert Poleski
Michael Poleski
9033 Cuckold Pt. Road
Baltimore, Maryland 21219
- c: Baltimore County Board of Appeals

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

* Also Admitted In the District of Columbia

November 3, 1998

Mr. Robert and Michael Poleski
Bill's Boat Yard
9033 Cuckold Point Road
Baltimore, MD 21219

RE: RG&M File Name: Bill's Boat
RG&M File No.: 97.6009
Zoning Issue

Dear Rob & Mike:

Enclosed please find copy of letter I received from Larry Schmidt, Zoning Commissioner, dated October 27, 1998 with regard to the above captioned matter.

If you should have any questions, please do not hesitate to contact me.

Very truly yours,



John B. Gontrum

JBG/jmc
Enclosure

Letter to follow

*- OK on entry
per
- OK on expansion
in BM
zone*

**Bill's Boats
9033 Cuckold Point Road
Baltimore, MD 21219
(410)477-5137**

January 21, 1999

Lawrence E. Schmidt, Esq.
Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, MD 21204

RE: Case # 98-3-SPH
Bill's Boats

Dear Mr. Schmidt:

Pursuant to our meeting of January 19, 1999, the following will clarify the issues that arose as a result of your decision in the above mentioned case. We believe that in our meeting we came to a mutual agreement that these issues were the result of a misunderstanding that came out of the decision you rendered in December of 1997.

The pier on lot 506 has been completed since 1996 when it replaced the pier that was previously in existence there. Since the pier was not shown on the site plan presented at the zoning hearing, this presented an issue of it being an expansion, which it was not. We have enclosed a statement signed by Mr. Wayne Waldman who can attest to the fact that the pier has existed there for many years.

The second point that we agreed needed further clarification was that of the B.M. zoning and the ability to proceed with any improvements as deemed necessary to operate a Marina/Boatyard. This would include erecting portable racks without additional zoning hearings as long as all improvements comply with building codes.

As we understand it, if you are in agreement with the above-mentioned statements, you will clarify these issues with Mr. Joseph Merrey so that he may move forward with our outstanding requests. Enclosed is a copy of his letter to us dated July 30, 1998 for your review.

We realize your time is very valuable and cannot express our appreciation for the time that you took to speak with us. Please do not hesitate to contact either of us at the number listed above if any further clarification is needed.

Sincerely,



Robert Poleski
Bill's Boats



Michael Poleski
Bills' Boats

January 21, 1999

Lawrence E. Schmidt, Esq.
Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, MD 21204

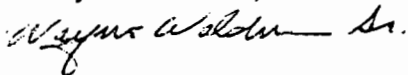
RE: 9033 Cuckold Point Road
Lot 506

Dear Mr. Schmidt:

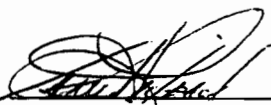
I, Wayne Waldman Sr., of 9014 Cuckold Point Road Baltimore, MD 21219 can attest to the fact that the pier from lot 506 of the above mentioned property has been in existence since no later than the 1950's. My father, Paul Waldman owned the property prior to the Poleski's purchase in 1984.

Yours truly,

Wayne Waldman, Sr.



As Witness My Hand and Seal



Notary Public

My commission expires July 2, 1999

Executive Office Transmittal Memo

6/9/98
TO WCR
please prepare
response -
may be a
violation
case - please
check

TO: ARNOLD TABLON

SUBJECT:

NEW PIER

FROM: WINNIE CARPENTER

DEADLINE DATE:

DATE: 6/9/98

CASE NUMBER:

98-1401

____ Please review the attached correspondence, investigate complaint and prepare a letter of response for the County Executive's signature within 10 working days.

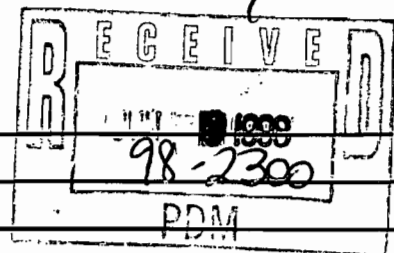
☒ Please review the attached correspondence, investigate complaint and respond directly to the constituent within 10 working days. Provide the County Executive with a copy and blind copy the staff member forwarding this memo.

____ Please review the attached correspondence and set up a meeting to discuss the issue. Prepare a letter for the County Executive's signature confirming the results of the meeting and any action taken to resolve the problem.

____ Other. _____

THANK YOU.

Constituent Problem Tracking Notes:



Reminders:

☒ Please post date all letters three working days after the date you are typing the letter to allow for processing in the Executive Office.

☒ A 3X5 card, envelope and background material must accompany all letters that are being prepared for the County Executive's signature. Departments should also make a copy for our files and any carbon copies with corresponding envelopes.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3353
Fax: (410) 887-5708

June 15, 1998

Jake Mohorovic, State Delegate
House of Delegates
305 Lowe House Office Building
Annapolis, MD 21401-1991

RE: Bill's Boats
9033 Cuckold Point Road
Michael & Robert Poleski
C-97-4279 & 98-3-SPH
District: 15c7

Dear Delegate Mohorovic:

Your letter of May 30, 1998 to County Executive C.A. Dutch Ruppersberger on behalf of your constituent Dr. Adam F. Szczypinski has been forwarded to me for reply. Dr. Szczypinski, as an adjoining property owner, is obviously interested and concerned about the proposed expansion of Bill's boat yard.

The following is a summary of the records available to this office.

Initially there was a zoning enforcement case (number C-97-4279) that resulted in a zoning petition for a special hearing (case number 98-3-SPH) "to confirm and continue a pre-existing non-conforming use of a boatyard/marina; and to amend previously approved site plan dated 10/12/94; and to approve a modified parking plan". The case was heard before the Zoning Commissioner Lawrence E. Schmidt on September 16, 1997 and an order was written dated December 11, 1997. Lot number 509, zoned D.R.-5.5, was granted a non-conforming use for a boatyard/marina and lot number 510 was denied a use for commercial purpose; an amendment to the previously approved plan was granted and a modified parking plan was approved in accordance with Exhibit #1, all subject to the following restrictions: "The Petitioners shall engage in no commercial activity from lot 510 and the storage of any boats thereon shall be limited to the Petitioners' own boats, not to exceed 25 in number and 16 ft. in length. Any expansion to existing commercial facilities on the subject property shall require a public hearing and an amendment to the Petition for Special Hearing granted herein."

On December 30, 1997, the People's Counsel for Baltimore County appealed the Zoning Commissioner's decision to the Board of Appeals. A hearing has been scheduled before the Board on July 14, 1998 at 10:00 a.m., Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

Jake Mohorovic, State Delegate
June 15, 1998
Page 2

An application has been made to Maryland Department of the Environment for a floating pier and Catherine A. Milton, in this office, is scheduled to attend a meeting on June 18, 1998 with the State Tidal Wetlands Section and the County Department of Environmental Protection and Resource Management (DEPRM) to discuss this application. There has been no application for and there is no required building permit for a floating pier; however, this office will require a zoning use permit and site plans to ensure compliance with all zoning laws including, but not necessarily limited to: Section 417, Baltimore County Zoning Regulations (BCZR); Section 415.A.2&3; the plan and final order in zoning case number 98-3-SPH. DEPRM, state, and federal review is also required prior to any final approval.

This office is participating in the review and approval process; however, the degree of conformity/non-conformity with the zoning law cannot be determined until a complete detailed scale site plan is submitted. Certainly Dr. Szczypinski should appear at the Board of Appeals and present testimony and evidence, if any. This would ensure that his input is considered.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you or Dr. Szczypinski need further information or have any questions, please do not hesitate to contact Catherine Milton or Carl Richards at 410-887-3391.

Very truly yours,



Arnold Jablon
Director

AJ:WCR:scj

c: W. Carl Richards, Jr., Zoning Review
Catherine A. Milton, Zoning Review
Leonard Wasilewski, Code Enforcement

bc: County Executive Dutch Ruppersberger
Winnie Carpenter, Executive Office

BILL'S BOATS



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

July 30, 1998

Mr. Robert Poleski
9033 Cuckold Point Road
Baltimore, MD 21219

Dear Mr. Poleski:

RE: Building Permit #B-347596-C, 9033 Cuckold Point Road, 15th Election District

The zoning office cannot approve the above referenced building permit application for the following reasons:

1. Lawrence Schmidt, Baltimore County Zoning Commissioner, has required, per his order 98-3-SPH, "Any expansion to existing commercial facilities on the subject property shall require a public hearing and an amendment to the Petition for Special Hearing . . .". As such, the above-referenced building permit cannot be approved at this time. Any future submittal must reflect the aforementioned zoning case and any appeals thereto.
2. Revised plans (2 copies) must be submitted to my attention in room 111, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland. All plans must be accompanied by a cover letter listing the revisions and referencing the building permit number. Revised plans must be folded to 8-1/2" x 11".

Sincerely,

A handwritten signature in black ink, appearing to read "JCM", with a stylized flourish at the end.

Joseph C. Merrey
Planner II, Zoning Review

JCM:rye

c: zoning case 98-3-SPH





Baltimore County
Department of Permits and
Development Management

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

June 18, 2001

Michael Poleski, Vice President
Bill's Boats
9033 Cuckold Point Road
Baltimore MD 21219

RE: Zoning Case # 98-003-SPH
Spirit & Intent
15th Election District

Dear Mr. Poleski,

Your letter and accompanying site plan to Arnold Jablon, Director of PDM have been referred to me for reply. Your request is for approval of this office to an amendment of zoning case # 98-003-SPH for a reconfiguration of the piers as shown on the submitted site plan. Two of the existing fixed piers would be removed and replaced with two modern floating pier systems. A small portion of one of the fixed piers would remain to facilitate boat handling during ramp operations. Also submitted were copies of letters from: Baltimore County Department of Environmental Protection and Resource Management (dated 1-5-00 & 1-27-00), State of Maryland Board of Public Works (dated 6-7-00), Maryland Department of the Environment (one undated), and the other (dated 6-7-00), Department of the Army US Corps of Engineering (dated 7-14-99), all stating various relevant regulations and The Millers Island-Edgemere Business Association, Inc. (dated 10-28-99). I have reviewed your request with Mr. Lawrence E. Schmidt, Baltimore County Zoning Commissioner, and it has been determined that a Special Hearing to amend the prior case (site plan & restrictions) will be required.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need any further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS: gdz

C. Case # 98-003-SPH File
Letter File



BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE: June 5, 2000

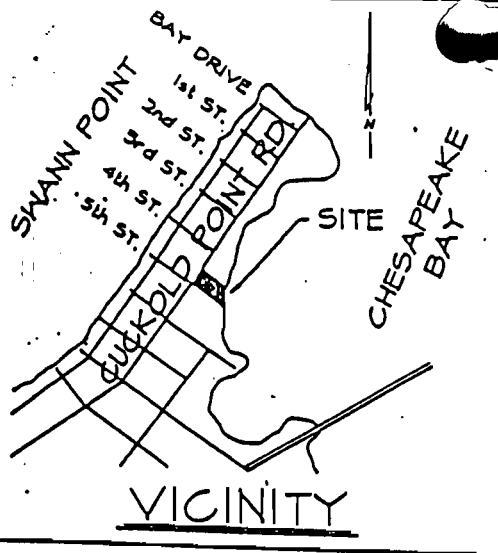
TO: Arnold Jablon, Director
Permits & Development Management

FROM: Charlotte E. Radcliffe 
Board of Appeals

SUBJECT: **CLOSED FILES:**
97-127-SPHX -Mt. Vista Golf Course, Ltd.
98-3-SPH -Robert Poleski & Michael Poleski
98-235-A -Evelyn Sims
98-471-A -Jean D. & Cermontine A. Webster

Since the above captioned cases have been finalized and no further appeals were taken, we are hereby closing the files and returning same to your office herewith.

Attachments: Case File Nos.: 97-127-SPHX; 98-3-SPH; 98-235-A; & 98-471-A;



CUCKOLD POINT ROAD

60' 50' 50' 50' 50'
Poleski Property

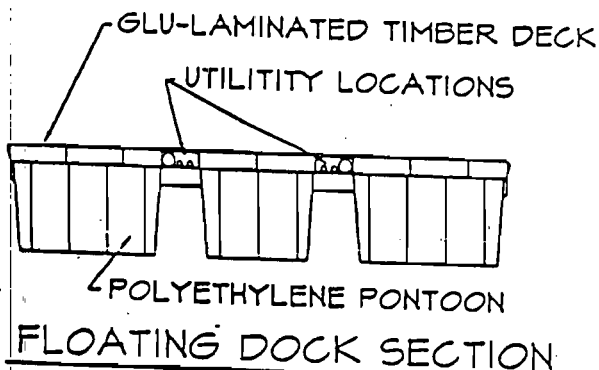
LOT 506 LOT 507 LOT 508 LOT 509 LOT 510

5th STREET

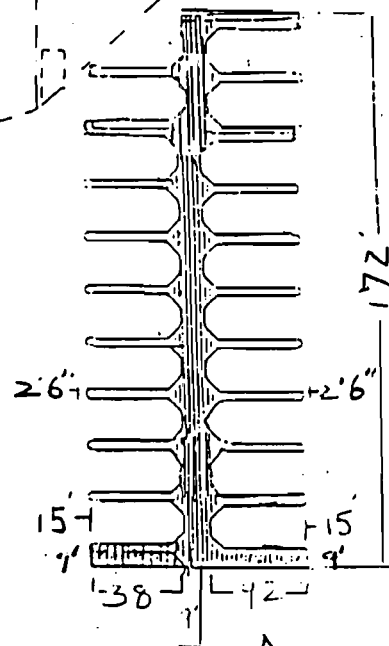
PROPERTY LINE IS 30' FROM RAMP

PROPOSED BulkHead

PROPOSED BulkHead



EXISTING PIER to Remain

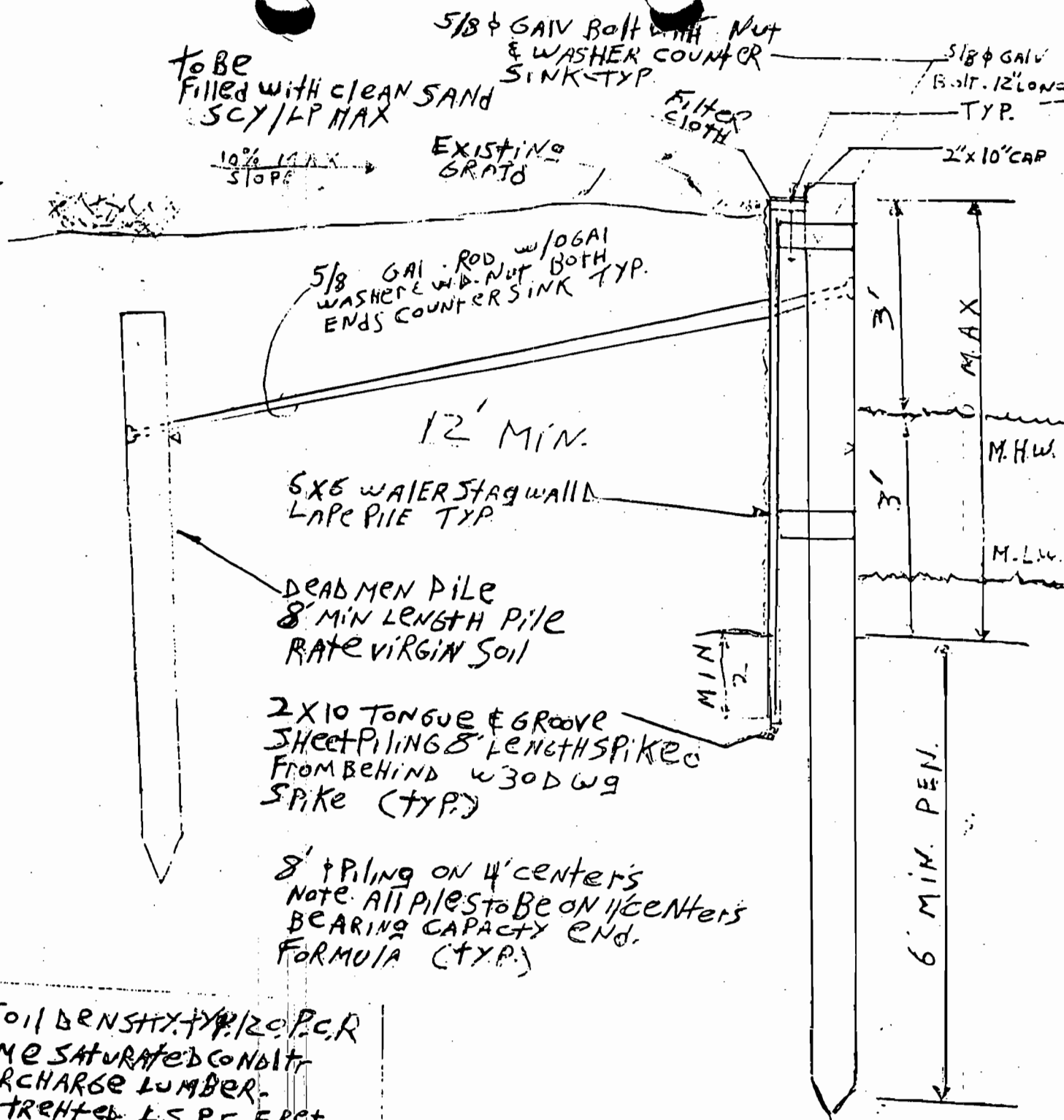


PROPOSED Floating Pier

ROBERT POLESKI
9033 CUCKOLD POINT ROAD
BALTO MD 21219
APR 10 1998
NOT TO SCALE
DWG BY ROBERT POLESKI
PHONE NO. 410. 477-5137

Proposed

98-WL-1070
199861838
4-10-98
2083



DRY SOIL DENSITY TYP. 120 P.C.F.
 ASSUME SATURATED CONDIT.
 NO SURCHARGE LUMBER.
 CCA TREATED L.S. P.C. FRET-
 LUTION MIN. 400 PSI

98-WL-1070

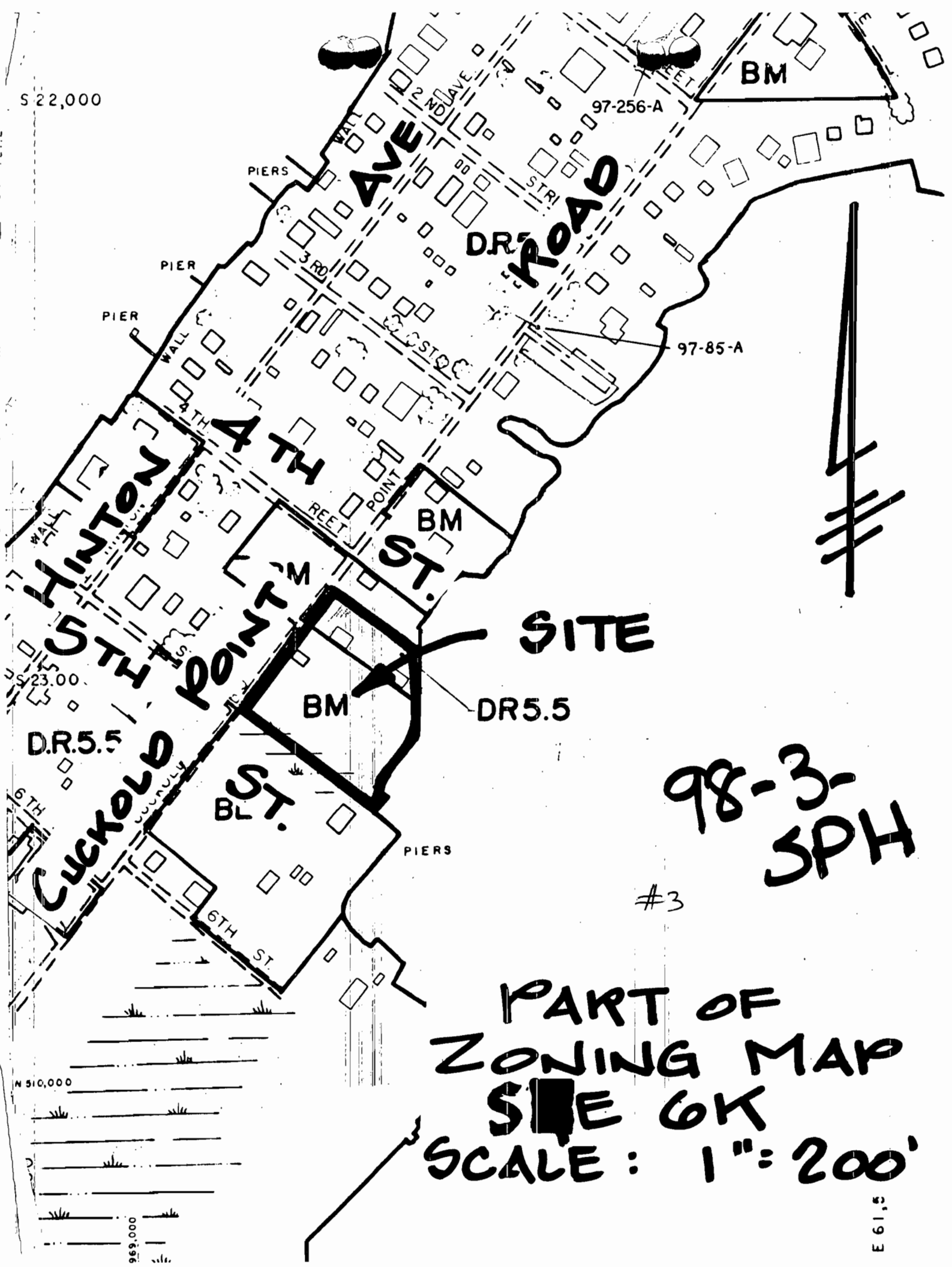
199861838

4-10-98

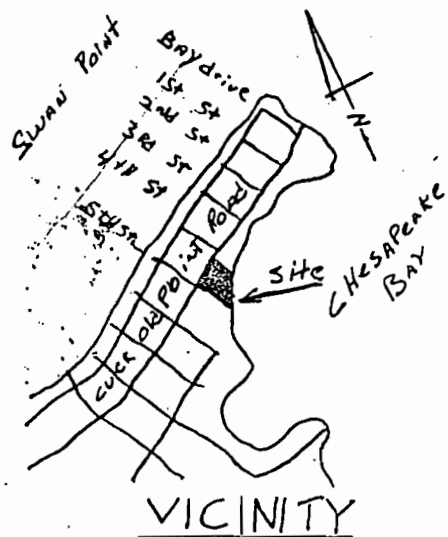
3063

BULKHEAD DETAIL FOR
 9035 CUCKOLD POINT RD.
 BALTIMORE CO. MARYLAND
 DATE 2-4-98
 (NOT TO SCALE)
 DWG. BY: ROBERT POLESKI
 PROJ. 410-477-5-17

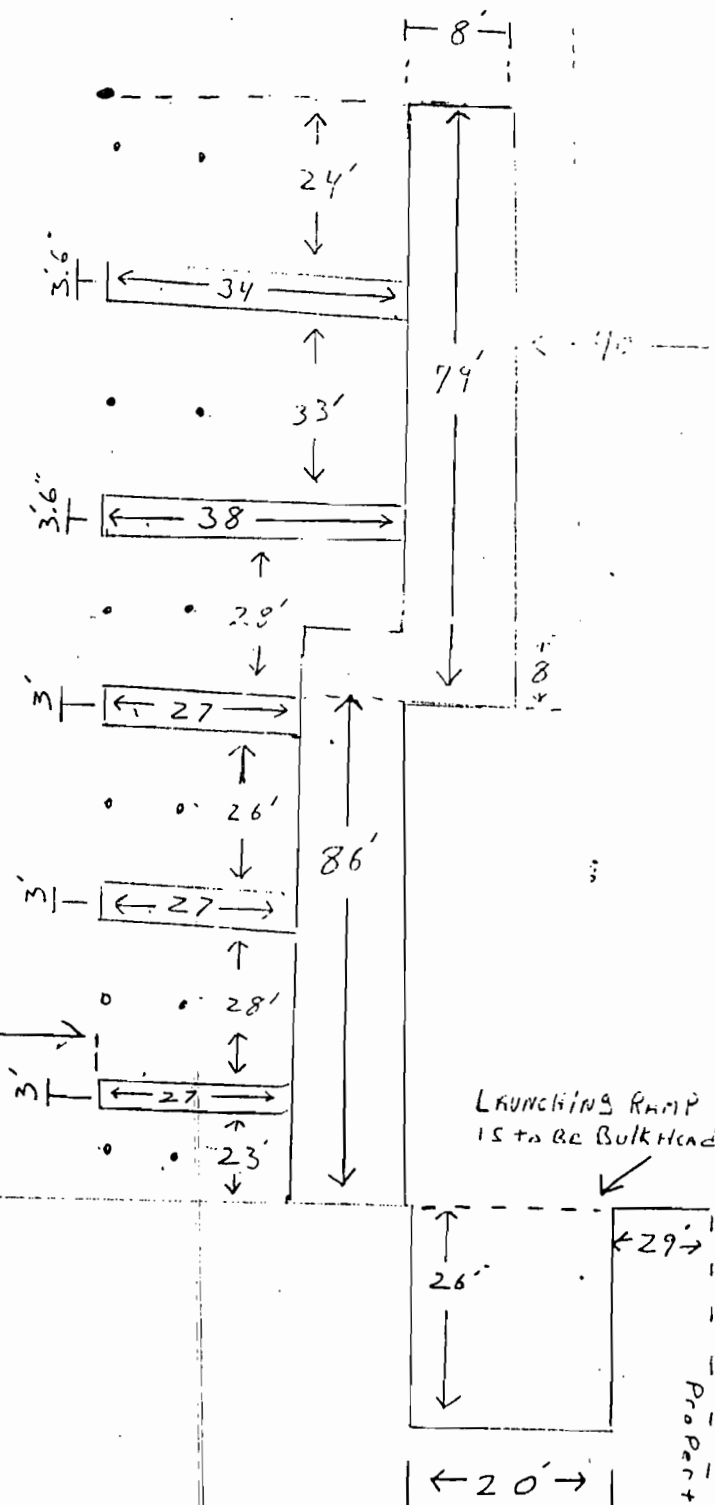
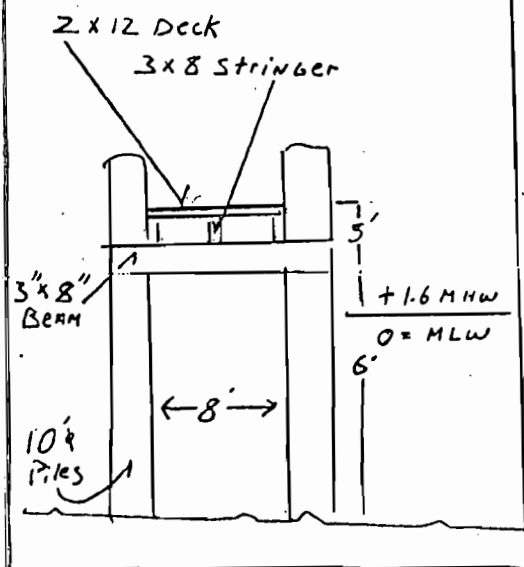
S 22,000



PART OF
ZONING MAP
SHEET 6K
SCALE: 1" = 200'



Note.
EACH Boat Slip
HAS Boat Lift.
Total Boat Lift
IS 10 AND ONE
MOORING PILE
Also this Pier HAS
BIN RECONSTRUCT



ADJACENT PROPERTY OWNERS
ADAM F SZCZYPINSKI
9039 CUCKOLD PT RD
BALTO MD 21219

JOSEPHINE HRANICKA
9025 CUCKOLD PT RD
BALTO MD 21219

PROPERTY OWNER
ROBERT POLESKI
9033 CUCKOLD PT RD
BALTO MD 21219
PLAT BOOK 9-5
JULY 17, 1992
BUILT BY ROBERT POLESKI
PHONE NO 410-577-5137

CALL TUES: MAY 29, 1984 11:05

OK (3)

BILL WILL

GET NECESSARY

FORMS &

MAPS

Bill's Boats
Mr. & Mrs. William Poleski
9033 Cuckold Point Road
Baltimore, Md. 21219
(301) 477-5137
April 9, 1984

Councilman John O'Rourke
10 Dunman Way
Dundalk, Md. 21222

Dear Mr. O'Rourke,

Please find enclosed copies of paid tax bills which you requested approximately three weeks ago during our telephone conversation regarding the zoning of our property on Cuckold Point Road. Our property, lots 508 and 509 are used for our boat rental business which has been our livelihood for the past thirty years.

I am writing to request that our property remain commercially zoned. I am with the understanding that should our property become damaged and receive fifty percent or more damage because of some unforeseen event that we could not rebuild our business. The properties would then be rezoned residential.

As I have stated, we have been in business for more than thirty years and have served as a recreational facility for many. Our business provides boat rental, boat ramping, bait, ice, soda and other related items. Our lots 73, 74 and 75 on the corner of 5th Street and Cuckold Point Road are used for parking areas for our customers boat trailers and automobiles. These lots were purchased solely for this purpose since the other lots could no longer accomodate the overflow. This fact alone seems to show satisfaction in the eyes of the public.

Along with our business providing community recreation, it has remained our source of income and will continue to do so in the years to come. It is for this reason that we are in need of your assistance.

It would be greatly appreciated if you could act on this important matter as soon as possible to keep our properties commercially zoned regardless of circumstances. If you need further information, please contact me by letter or telephone as the resolution of this matter is hoped to be expedited and finalized as quickly as possible.

I remain with best regards,

Very truly yours,

Agnes C. Poleski
Agnes C. Poleski

PETITIONER'S
EXHIBIT No 1

THREE COPIES OF
FORM AND THREE
COPIES OF A 1" = 200'
MAP MUST BE SUBMITTED
FOR ALL NEW ISSUES

Baltimore County Council
Baltimore County, Maryland

ISSUE NO. 7-38
DISTRICT 15-19
(Office Use Only)

REQUEST FOR CHANGE
1984 COMPREHENSIVE ZONING MAP
(Please Print)

PLANNER
DATE

NAME William And Agnes C Poleski
ADDRESS 9033 Cuckold Point Rd Baltimore MD 21219
PHONE NO. 477-5137
ORGANIZATION (if any)

(RECEIPT)

TO: The Baltimore County Council

Please accept this form as a part of the material to be submitted
as a request for a change in zoning on the following property(ies).

I am the: ☒ Property Owner
☐ Contract Purchaser or Legal Representative
☐ Other

PROPERTY LOCATION 9037 Cuckold Pt Rd

ACREAGE or LOT SIZE

EXISTING USE Row Boat Outboard Motor Rentals Ramp Parking Boat Storage

EXISTING ZONING DR 5-3

REQUESTED ZONING BM

PROPOSED USE MARINA

JUSTIFICATION FOR REQUEST (Please Summarize) EXISTING USE WAS LEGAL WHEN
PROPERTY WAS MD PROPERTY OWNER WISHING TO LEGALIZE
USE SINCE PROPERTY WAS DOWNSHIFTED IN 1976 TO DR 5-3. POTENTIAL
MARINA HAS BEEN EXISTING SINCE 1955.

(If additional space is required, please attach separate sheet)

NOTE: I accept full responsibility
for all information I have supplied
with regard to this request.

SIGNATURE Agnes C Poleski

Property owner, contract purchaser or legal representative must complete the following
information* as shown on tax bills:

Dist. Map	Block	Parcel
Rec. Plat	Liber	Folio
Block	Lot	
LOT 73, 74 &	506, 507, 508, 509	

*Available also from:
Assessment Recordation Office
Room 48 Court House
Towson, Md. 21204
(494-3691)

15/19/990001

District	Property Number
15-19	99000
Deed	Liber Folio
5521	671



#3055 CUCKOLD POINT RD

EX. HSE.



EX. HOUSE
#3055 CUCKOLD
POINT RD

#3055









PREVIOUS ZONING HISTORY

CASE # 95-151A

PETITION FOR VARIANCE SEEKING RELIEF FROM SECTION 1002.3.C.1 OF THE B.C.Z.M. TO PERMIT A LOT WIDTH OF 50 FEET IN LIEU OF THE MINIMUM REQUIRED 55 FEET AND A SIDE YARD OF 8 FEET IN LIEU OF THE MINIMUM REQUIRED 10' FOR PROPOSED DWELLING CONSTRUCTION. GRANTED DEC. 13, 1994

RESTRICTIONS:

1. PROPOSED DWELLING MUST BE SET BACK A MINIMUM DISTANCE OF 100' FROM HAWK COVE.

JOSEPH C. HETMANSKI
1508309210
4602/211
LOT 12 SWAN POINT 9/4

#2801
5TH STREET
EXISTING
DWELLING

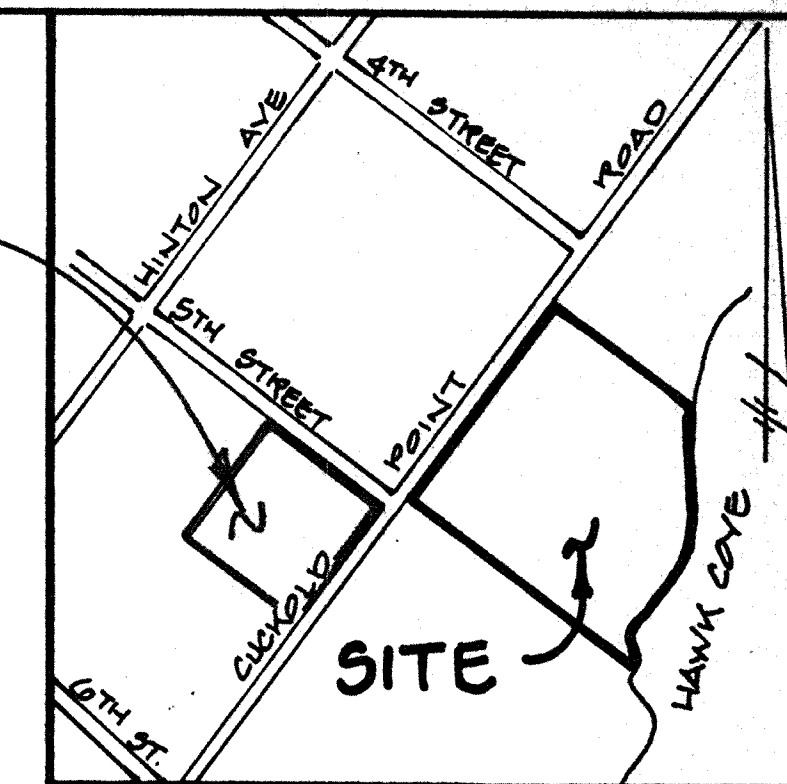
ADAM F. SZCZYPIŃSKI
SUSAN M. SZCZYPIŃSKI
1510990000
7342/701
LOTS 506, 507, 508
SWAN POINT 9/4

CUCKOLD POINT ROAD

OVERFLOW
PARKING AREA
* SEE PARKING NOTE

PARKING CALCULATIONS

1 SINGLE FAMILY DWELLING
@ 2 SPS PER UNIT = 2 SPACES
87 BOAT STORAGE UNITS
@ 1 SP PER 2 UNITS = 10 SPACES
TOTAL REQUIRED = 21 SPACES
PARKING PROVIDED = 25 SPACES
(ON SITE)



VICINITY MAP
SCALE: 1" = 200'

GENERAL NOTES

1. THERE ARE NO PREVIOUS COMMERCIAL PERMITS FOR THE SUBJECT PROPERTY.
2. THE SUBJECT SITE IS IN THE CHESAPEAKE BAY CRITICAL AREA.
3. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.

SITE DATA

DEED REFERENCES 7169/1987
11492/310
TAX ACCOUNT NUMBERS 1516000741, 1523001870, 1523001870, 1523001870
COUNCILMANIC DISTRICT 7
SITE AREA 62,110 SQ. FT.
FLOOR AREA RATIO 1.43 ACRES
TOTAL SQ. FT. OF BUILDINGS = 3,570
F.A.R. = 3,570 / 62,110 = 0.06
EXISTING ZONING DM: DMBS
EXISTING USE BOATYARD / MARINA

PARKING DATA
NO. OF PARKING SPACES PROVIDED ON SITE 25 SPACES
NOTE: ALSO THERE IS OVERFLOW PARKING AVAILABLE ON THE POLESKI PROPERTY ON THE SOUTHWEST CORNER OF CUCKOLD POINT ROAD AND 5TH STREET FOR APPROXIMATELY 50 CARS.



OWNER

WILLIAM POLESKI
AGNES C. POLESKI
2033 CUCKOLD POINT ROAD
BALTIMORE, MARYLAND 21210
(410) 497-5137 (Robert)

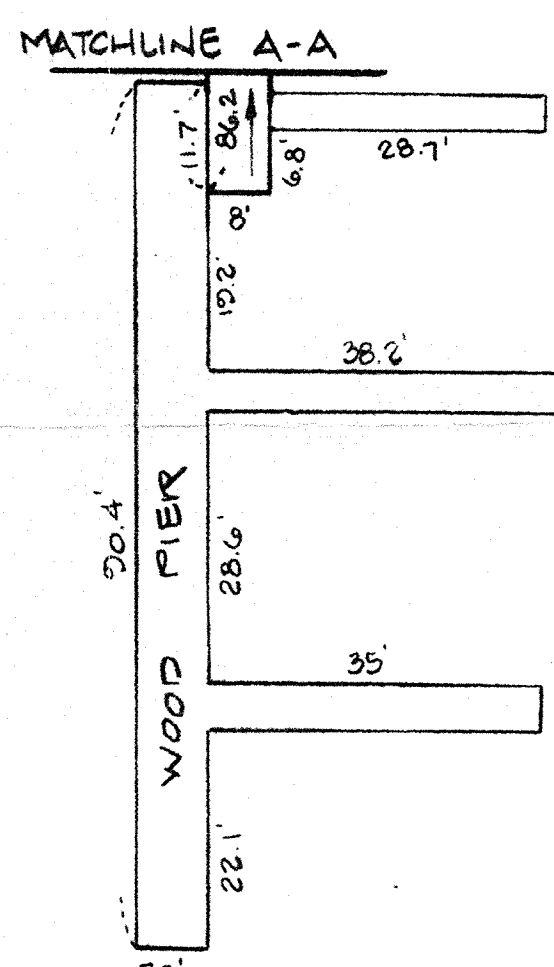
NO.	DATE	REVISIONS	DESCRIPTION
1	8/26/93	SHOW ALL PIERS - COMPLETE LENGTH	

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

PLAT TO ACCOMPANY ZONING PETITION
2033 CUCKOLD POINT RD
LOTS 506-510 "SWAN POINT"
POLESKI PROPERTY
"BILL'S BOATS"

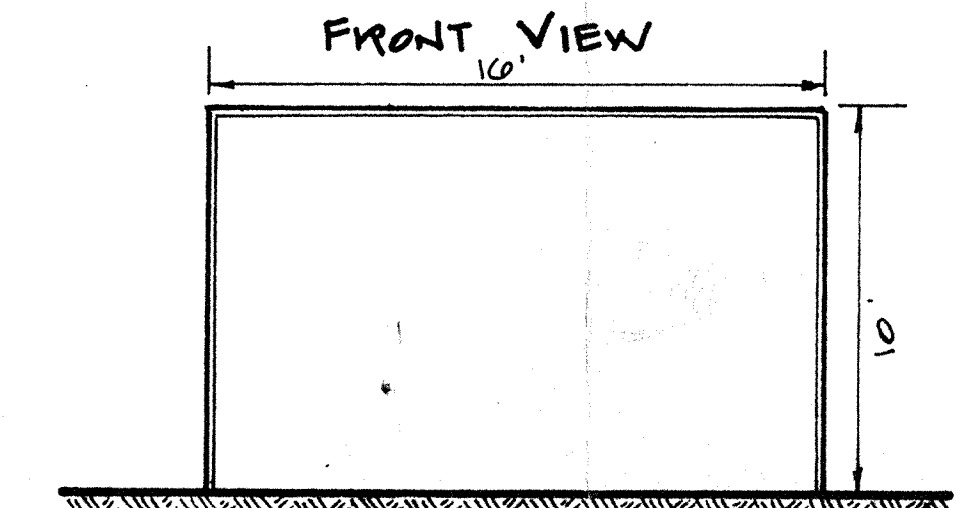
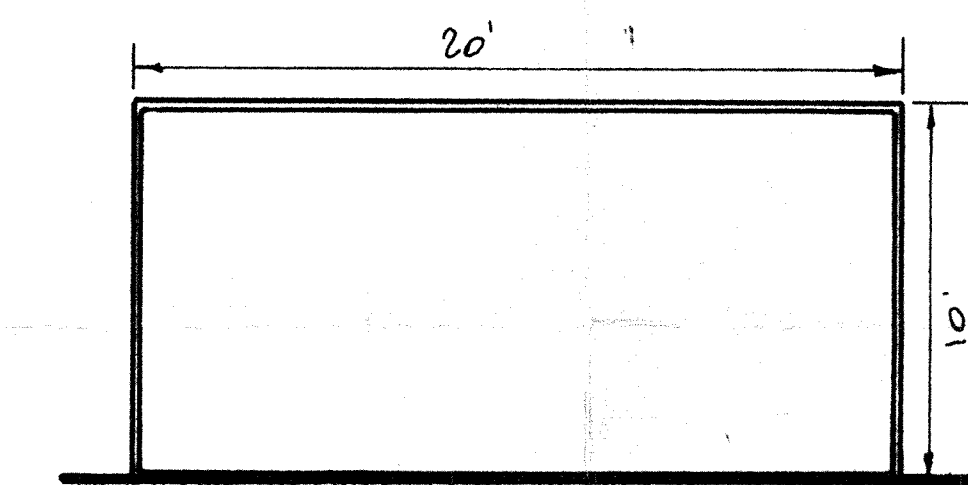
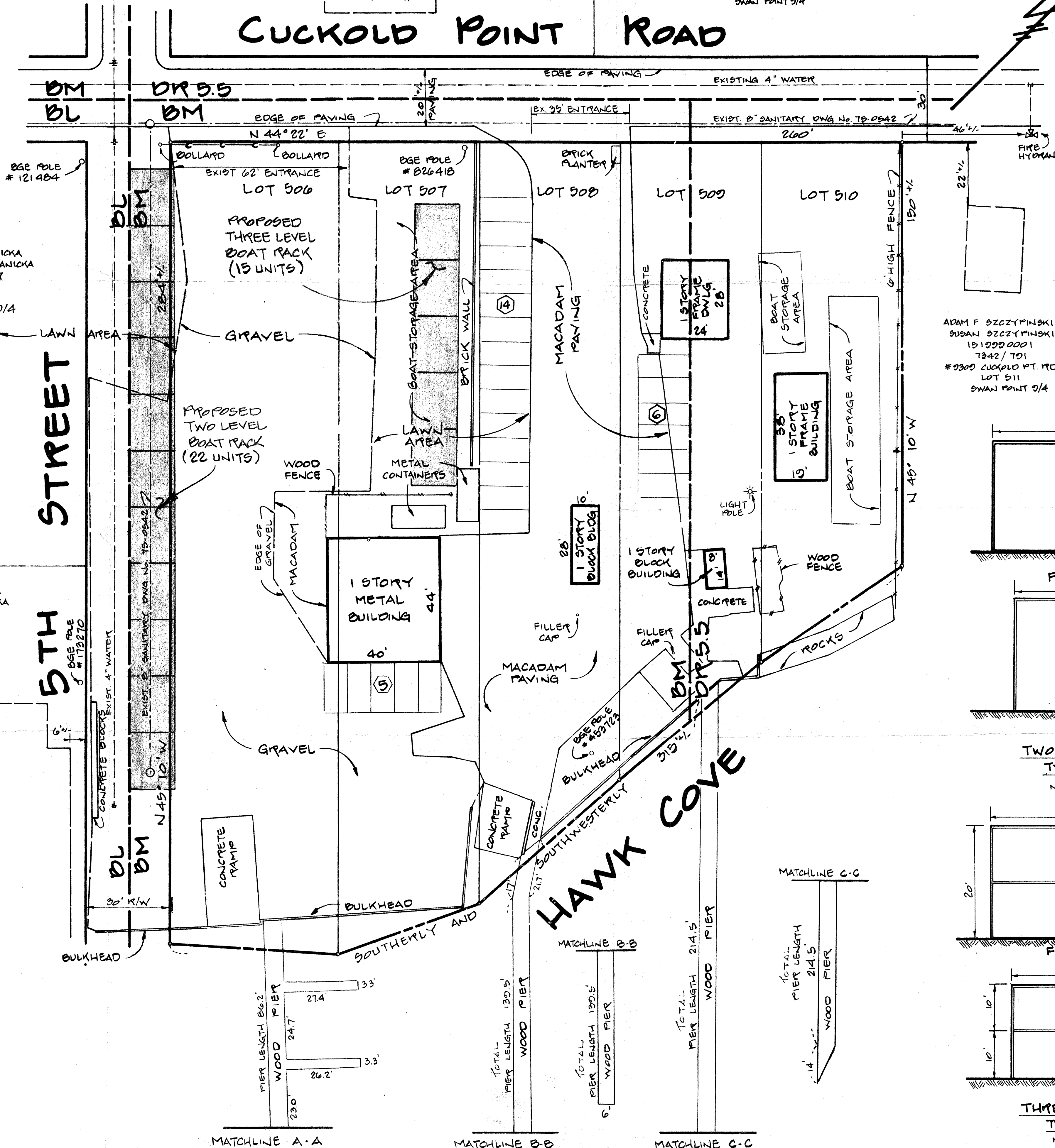
ELECTION DIST. No. 18 BALTIMORE COUNTY, MD

SCALE: 1" = 20' DES. BY: DRN. BY: P.M.N. SHT. 1 OF 1
DATE: 8-26-93

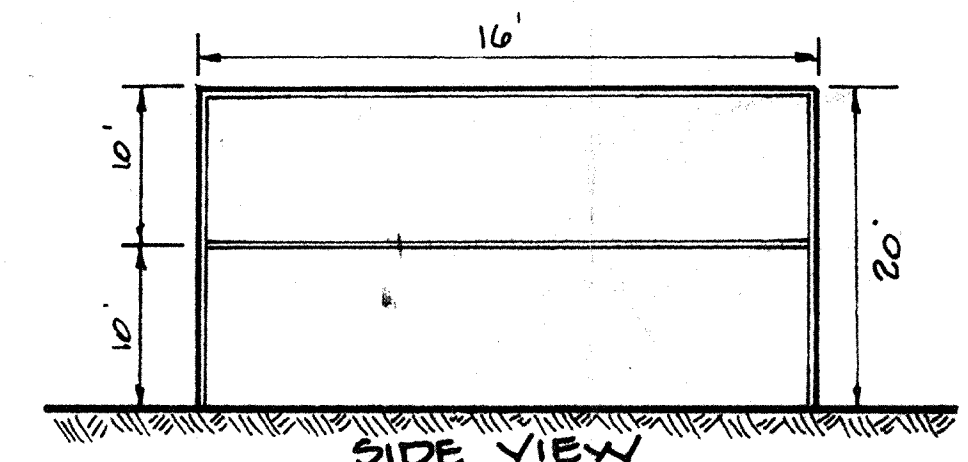
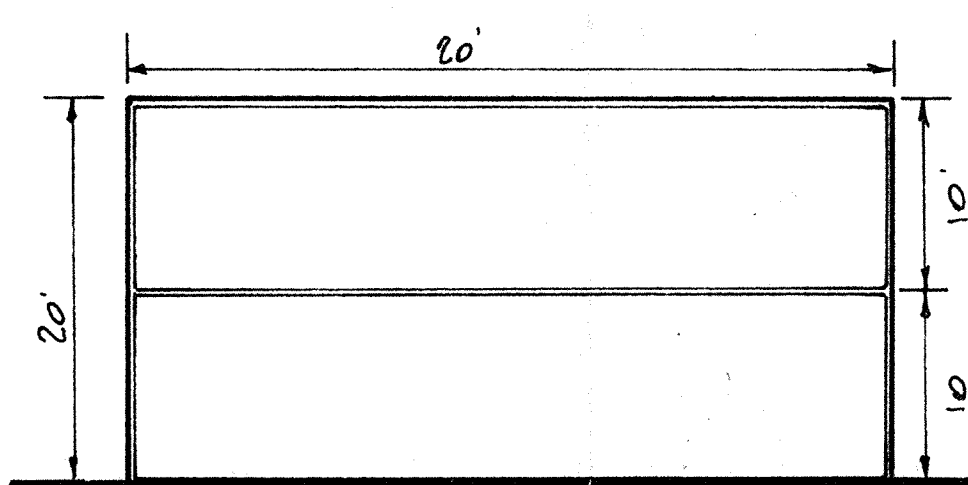


BOAT RACK NOTE:
BOAT RACKS AS SHOWN HEREON ARE PORTABLE AND CAN BE DISMANTLED. THE BOAT RACKS ARE NOT PERMANENT STRUCTURES AND ARE NOT BUILT ON A PERMANENT FOOTER OR FOUNDATION.

EDWARD F. HRANICKA
JOSEPHINE M. HRANICKA
1508700108
4036/60
LOT 503
SWAN POINT 9/4



SIDE VIEW
TWO LEVEL BOAT RACK
TYPICAL DETAIL
NOT TO SCALE



SIDE VIEW
THREE LEVEL BOAT RACK
TYPICAL DETAIL
NOT TO SCALE

PREVIOUS ZONING HISTORY

CASE # 98-151A

PETITION FOR VARIANCE SEEKING RELIEF FROM SECTION 1002.3.C.1 OF THE B.C.Z.R. TO PERMIT A LOT WIDTH OF 50 FEET IN LIEU OF THE MINIMUM REQUIRED 55 FEET AND A SIDE YARD OF 8 FEET IN LIEU OF THE MINIMUM REQUIRED 10' FOR PROPOSED DWELLING CONSTRUCTION. GRANTED DEC. 13, 1994

RESTRICTIONS:

1. PROPOSED DWELLING MUST BE SET BACK A MINIMUM DISTANCE OF 100' FROM HAWK COVE.

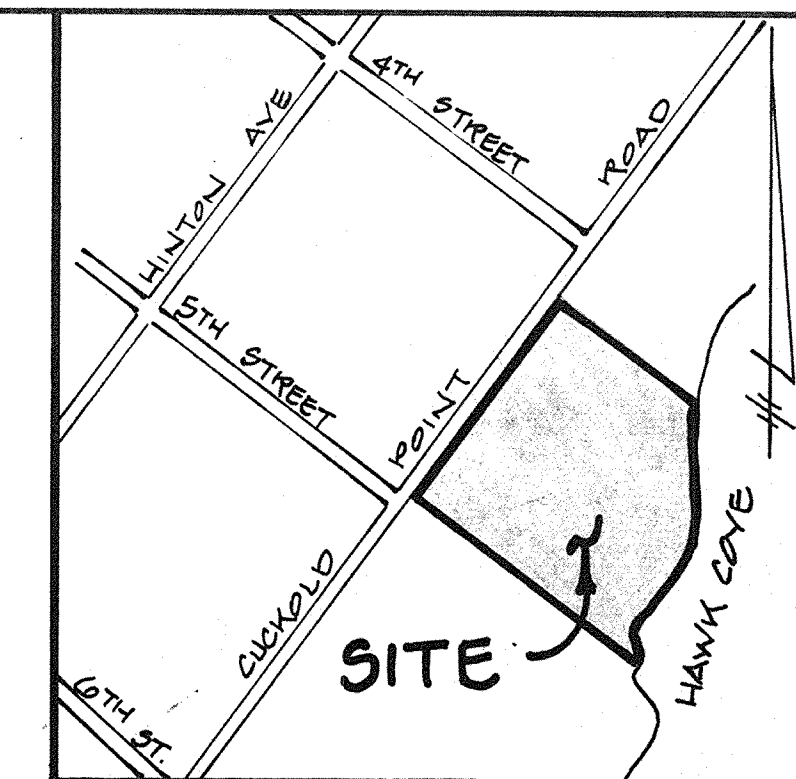
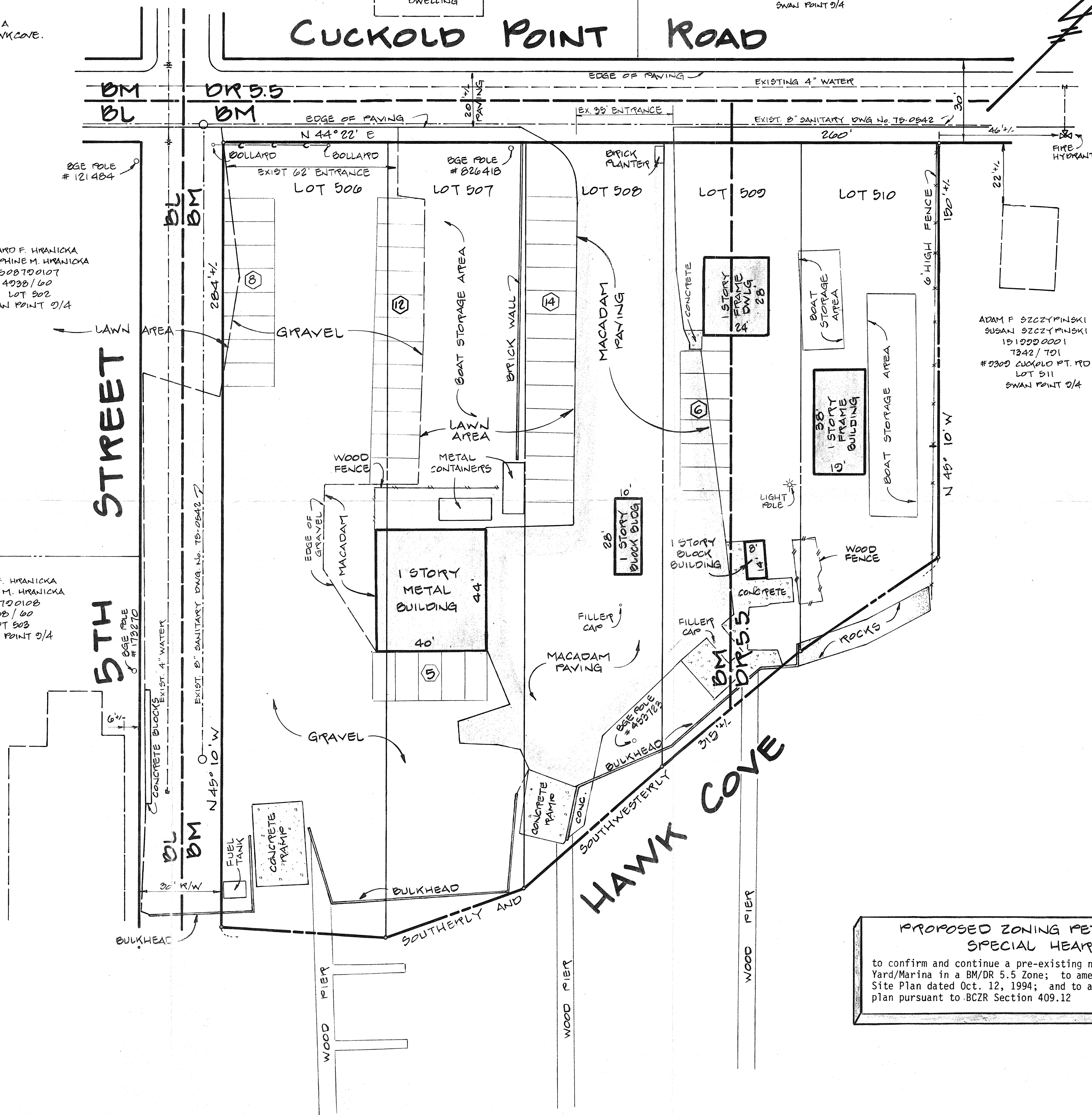
JOSEPH C. HETMAWSKI
1500303210
4602/211
LOT 72 SWAN POINT 3/4

#2801
5TH STREET
EXISTING
DWELLING

ADAM F. SZCZYPIŃSKI
SUSAN M. SZCZYPIŃSKI
1510000000
7342/701
LOTS 55, 56, 57
SWAN POINT 3/4

EDWARD F. HRANICKA
JOSEPHINE M. HRANICKA
1508700107
4035/60
LOT 502
SWAN POINT 3/4

EDWARD F. HRANICKA
JOSEPHINE M. HRANICKA
1508700108
4035/60
LOT 503
SWAN POINT 3/4



VICINITY MAP
SCALE: 1" = 200'

GENERAL NOTES

1. THERE ARE NO PREVIOUS COMMERCIAL PERMITS FOR THE SUBJECT PROPERTY.
2. THE SUBJECT SITE IS IN THE CHESAPEAKE BAY CRITICAL AREA.
3. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.

SITE DATA

DEED REFERENCES 7160/1987
11492/310
TAX ACCOUNT NUMBERS 1516000740
1523001872
1502600260
COUNCILMANIC DISTRICT 7
SITE AREA 62,110 SQ. FT.
1.43 ACRES
FLOOR AREA RATIO
TOTAL SQ. FT. OF BUILDINGS = 3,570
F.A.R. = 3570 / 62,110 = 0.06
EXISTING ZONING BM: DR55
EXISTING USE BAYMART / MARINA

PARKING DATA
NO. OF PARKING SPACES PROVIDED ON SITE 45 SPACES
NOTE: ALSO THERE IS OVERFLOW PARKING AVAILABLE ON THE POLESKI PROPERTY ON THE SOUTHWEST CORNER OF CUCKOLD POINT ROAD AND 5TH STREET FOR APPROXIMATELY 50 CARS.

98-3-
SPH

PETITIONER'S
EXHIBIT NO. 2

OWNER

WILLIAM POLESKI
AGNES C. POLESKI
2033 CUCKOLD POINT ROAD
BALTIMORE, MARYLAND 21210

REVISIONS		
NO.	DATE	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING

2033 CUCKOLD POINT RD

LOTS 506-510 "SWAN POINT"
POLESKI PROPERTY

3

ELECTION DIST. NO. 18 BALTIMORE COUNTY, MD

SCALE: 1" = 20'
DATE: 6/27/97 DES. BY: P.M.N.
SHT. 1 OF 1

PROPOSED ZONING PETITION FOR SPECIAL HEARING

to confirm and continue a pre-existing non-conforming use of a Boat Yard/Marina in a BM/DR 5.5 Zone; to amend a previously approved Site Plan dated Oct. 12, 1994; and to approve a modified parking plan pursuant to BCZR Section 409.12