

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION - W/S Back
River Neck Road, 99.91' N of * DEPUTY ZONING COMMISSIONER
the c/l Tripgate Road
(202 Back River Neck Road) * OF BALTIMORE COUNTY
15th Election District
5th Councilmanic District * Cases Nos. 98-396-SPH and
98-442-X

Patrick J. Malec, Legal Owner/Petitioner;
Eastgate Apartment Co., Co-Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of combined Petitions for Special Hearing and Special Exception. At issue in both cases is the property owner's use of the site as a commercial carry-out operation. In Case No. 98-396-SPH, a Petition for Special Hearing was filed by David R. Tini, President, CT Management, Inc., on behalf of the Eastgate Apartment Company, Inc., through their attorney, Anthony J. DiPaula, Esquire. In that case, the Petitioner sought a determination as to whether the spirit and intent of Section 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) was violated when the owner constructed a detached carry-out crab store under a permit originally obtained to construct an attached garage to an existing single-family dwelling in a B.L. zone. In Case No. 98-442-X, a Petition for Special Exception was filed by the owner of the property, Patrick J. Malec, through his attorney, Benjamin Bronstein, Esquire, requesting a special exception to permit living quarters in a commercial building.

Both Petitions were scheduled for a public hearing on the same date at the same time. Appearing at the hearing on behalf of the special hearing request were Stella L. Mihauetz, a representative of the Eastgate Apartment Company, Rick Chadsey, Professional Engineer with George W. Stephens, Jr. and Associates, Inc., and Anthony J. DiPaula, Esquire,

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Date

By

attorney for the Protestants. In addition, two representatives from the Baltimore County Department of Permits and Development Management (DPDM) were summoned to appear, namely, John Altmeyer and Doug Swan. Appearing on behalf of the special exception request were Patrick Malec, legal owner of the property, Thomas A. Church, Professional Engineer with Development Engineering Consultants, Inc. who prepared the site plan of this property, which was accepted and marked into evidence as Petitioner's Exhibit 1, and Benjamin Bronstein, Esquire, attorney for the Owner. There were no other interested persons present.

Testimony and evidence offered revealed that the subject property consists of two parcels with a combined gross area of 0.67 acres, more or less, zoned B.L. Parcel 1 consists of approximately 0.16 acres and is unimproved but for a sidewalk and privacy fence. Parcel 2 consists of approximately 0.51 acres, more or less, and contains the bulk of the improvements on this property, namely, a 1.5-story dwelling, which is proposed for use as a caretaker's residence, a 1-story brick and masonry building which is used as a carry-out crab house, and an attached 1-story brick garage. The property is located on the west side of Back River Neck Road at its intersection with Tripgate Road, about 1/4 mile south of the Town and Country Shopping Center in Essex. Mr. Malec, legal owner of the property, is a commercial crabber and operates a carry-out seafood business from the subject site. Mr. Malec's mother has resided in the existing dwelling for many years and oversees the property and assists in the operation of the seafood business. On January 21, 1997, the Petitioner obtained a building permit to construct the 1-story brick and masonry building to be attached to the rear of the existing dwelling via a breezeway. On January 28, 1997, the Petitioner obtained a second building

Petitioner obtained a second building permit to construct the garage, with a workshop and powder room added. On May 29, 1997, the Petitioner obtained a third building permit for a change of occupancy for the existing dwelling and two-car garage to a carry-out crab house.

The Protestants filed the Petition for Special Hearing for a determination as to whether the Petitioner is in violation of Section 102.2 of the B.C.Z.R. That provision provides that no particular yard space of one use is to be calculated or utilized in considering the yard space of an additional building or use on the property. The application of that Section to this property relates to the existing residence on this property along with the commercial carry-out operation. The Petitioner sought to remedy any conflict with that provision by connecting the carry-out crab business with the dwelling by way of a breezeway. By virtue of attaching the two structures with a breezeway, the dwelling is incorporated into the commercial crab business, and thus, one commercial building is created. The combination of the two buildings eliminates the application of Section 102.2 to this property, and avoids many of the setback requirements that would be applicable were the buildings to remain separate. However, the connection of the two buildings necessitates the request for special exception to allow living quarters in a commercial building.

Testifying in opposition to the special exception was Mr. Rick Chadsey, a professional engineer with George W. Stephens, Jr. and Associates, Inc., who was retained by the Eastgate Apartment Company to represent them in this matter. Mr. Chadsey testified that the Petitioner proceeded in this unusual fashion to avoid certain setback requirements, and, possibly, storm water management requirements. In addition, Mr. Chadsey testified that the site plan submitted into evidence as Petitioner's

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By

Exhibit 1 is flawed in that it does not show all structures located within 200 feet of the Petitioner's property line. Lastly, Mr. Chadsey opined that the subject property, which consists of two separate parcels, should have been combined under one deed into one parcel.

Testimony was also offered by John Altmeyer and Doug Swam, both of whom are representatives of the Department of Permits and Development Management (DPDM). Messrs. Altmeyer and Swam were summoned to appear on behalf of the Protestants. These gentlemen testified that Mr. Malec had proceeded through the permit process to open his carry-out business in an unusual fashion. Testimony indicated that Mr. Malec first applied for a permit to construct a one-story garage on his property, to be used in conjunction with the existing residence. Subsequently, the Petitioner requested approval to add a powder room and workshop to the garage, and later, sought a change in use of that building from a garage to a carry-out business. The Protestants believe that the Petitioner proceeded in this fashion to avoid certain requirements imposed by the zoning regulations. However, Mr. Altmeyer testified that by virtue of the change in use of the garage to a carry-out crab business, all inspections necessary by Baltimore County were performed and the structure passed all County Code requirements.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and

requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, and in anticipation of the Petitioner's plans to connect the two buildings in question, I am persuaded to grant the Petition for Special Exception filed by the owner of the property in Case No. 98-442-X. However, certain terms and restrictions shall be imposed as a condition to the relief granted. In addition, the Petition for Special Hearing filed by the Protestants in Case No. 98-396-SPH should be denied in that Section 102.2 of the B.C.Z.R. will no longer be applicable upon completion of this connection. As such, the property owner will not be in violation of the B.C.Z.R. and the use proposed meets the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception relief requested in Case No. 98-442-X shall be

granted and the Petition for Special Hearing filed in Case No. 98-396-SPH shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of July, 1998 that the Petition for Special Exception to permit living quarters in a commercial building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

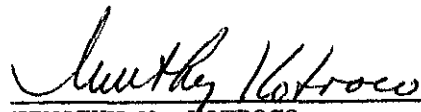
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order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

2) Within ninety (90) days of the date of this Order, the Petitioner shall have completed construction of the breezeway to connect the existing dwelling with the carry-out building so as to create one commercial building. Failure to proceed with this connection shall result in a revocation of the special exception relief granted herein.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that Section 102.2 of the B.C.Z.R. will no longer be applicable upon completion of this connection, and as such, the property owner is not in violation of the B.C.Z.R. and the use proposed meets the spirit and intent of the zoning regulations. Therefore, the Petition for Special Hearing filed in Case No. 98-396-SPH, be and is hereby DENIED.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning

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

July 27, 1998

Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
W/S Back River Neck Road, 99.91' N of the c/l Tripgate Road
(202 Back River Neck Road)
15th Election District - 5th Councilmanic District
Patrick J. Malec, Legal Owner/Petitioner; Eastgate Apartment Co.,
Protestants/Co-Petitioner
Cases Nos. 98-396-SPH and 98-442-X

Dear Messrs. Bronstein and DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted and a finding has been made in the Petition for Special Hearing, in accordance with the attached Order.

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

Very truly yours,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Patrick J. Malec
P.O. Box 7795, Baltimore, Md. 21221

Mr. David R. Tini, President, CT Management, Inc.
4700 Corridor Place, Suite A, Beltsville, Md. 20705

Ms. Stella L. Mihaletz, 2-A Fore Court, Baltimore, Md. 21221
People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 202 BACK RIVER NECK ROAD

which is presently zoned BL

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve whether the spirit and intent of BCZR Section 102.2 was violated when the owner constructed a detached carry-out crab store under a permit originally obtained to construct an attached garage to an existing single-family dwelling in a BL zone.

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.

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.

~~XXXXXXXXXXXX~~ Petitioner

Eastgate Apartment Company

(Type or Print Name)

By: CT Management, Inc.

Signature David R. Tini, President

4700 Corridor Place, Suite A

Address

Beltsville MD 20705

City State Zipcode

Attorney for Petitioner

Anthony J. DiPaula

(Type or Print Name)

Covahey & Boozer, P.A.

Signature

614 Bosley Avenue, 410-828-9441

Address Phone No.

Towson, MD 21204

City State Zipcode

Legal Owner(s):

Patrick J. Malec

(Type or Print Name)

Signature

(Type or Print Name)

Signature

202 Back River Neck Road

Address Phone No.

Baltimore MD 21221

City State Zipcode

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

Development Engineering Consultants, Inc.
Name

6603 York Road 410-377-2600

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: BJR DATE 4/21/98

Revised 9/5/95

98-396-SPH

#396

ORDER RECEIVED FOR FILING
Date 4/21/98
By [Signature]

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

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

ZONING DESCRIPTION

#202 BACK RIVER NECK ROAD

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

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

CONTAINING 0.16 ACRES OF LAND, MORE OR LESS.

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



98-396-SPH

#396

CERTIFICATE OF PUBLICATION

NOTICE OF ZONING 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: #88-398-SPH
202 Back River Neck Road
W of Back River Neck Road,
100' N of Trippgate Road
15th Election District
6th Councilmanic District
Legal Owner(s): Patrick J. Malec
Petitioner: Eastgate Apartment Company

Special Hearing: to determine whether the spirit and intent of BCZR Section 102.2 was violated when the owner constructed a detached carry-out crab store under a permit originally obtained to construct an attached garage to an existing single family dwelling in a B.L. zone.

Hearing: Monday, June 8, 1998 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

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

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

5/27/98 May 21 C230059

TOWSON, MD., May 21, 19 98

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 May 21, 19 98.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 153700

DATE 4/21/98 ACCOUNT ROU-6150

AMOUNT \$ 250.00

RECEIVED FROM: CT Management, Inc.

FOR: 040 Special Hearing

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 396

PAID RECEIPT

PROCESS	ACTUAL	TIME
4/22/1998	4/21/1998	15:23:57
REG US02	CASHIER JKIC JNR	DRAWER 2
5 MISCELLANEOUS CASH RECEIPT		
Receipt #	042149	DEL.
CR NO.	053700	

250.00 CHECK: FN
Baltimore County, Maryland

98.396.SPH

CASHIER'S VALIDATION

RE: Case No.: 98-396-SPH

Petitioner/Developer: EASTGATE APT. CO., ETAL
A. DIPAULA, ESQ. (COVAHEY & BOOZER)

Date of Hearing/Closing: 7/6/98
RESCHEDULED

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

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

The sign(s) were posted on 6/21/98
(Month, Day, Year)

Sincerely,

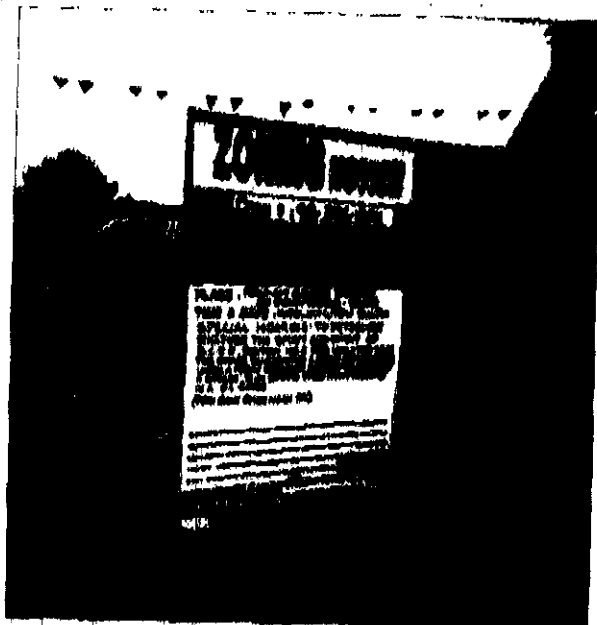
Patrick M. O'Keefe 6/26/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



P.J. MALEC 98-396-SPH EASTGATE
202-BACK RIVER NECK RD. APT.
A. DIPAULA & COVAHEY & BOOZER CO.
6/26/98 H 7/6/98

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

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

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-396-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: A special Hearing to determine whether the spirit
and intent of BCZR Section 102.2 was violated when the
owner constructed a carry-out crab store under a permit
originally obtained to construct a garage to an existing
single-family dwelling in a B1 zone.

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

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 396

Petitioner: Eastgate Apartment Co.

Address or Location: 202 Back River Neck Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Eastgate Apartment Company

Address: 4700 Corridor Place, Suite A
Beltsville, MD 20705

Telephone Number: (410) 828-9441

Revised 2/20/98 - SCJ

98-396-SPH

#396

TO: PATUXENT PUBLISHING COMPANY
May 21, 1998 Issue - Jeffersonian

Please forward billing to:

Eastgate Apartment Company 410-828-9441
4700 Corridor Place
Suite A
Beltsville, MD 20705

NOTICE OF ZONING 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: 98-396-SPH
202 Back River Neck Road
W of Back River Neck Road, 100' N of Tripgate Road
15th Election District - 5th Councilmanic District
Legal Owner: Patrick J. Malec
Petitioner: Eastgate Apartment Company

Special Hearing to determine whether the spirit and intent of BCZR Section 102.2 was violated when the owner constructed a detached carry-out crab store under a permit originally obtained to construct an attached garage to an existing single family dwelling in a B.L. zone

HEARING: Monday, June 8, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

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.



Baltimore County
Department of Permits and
Development Management

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

May 4, 1998

NOTICE OF ZONING 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: 98-396-SPH
202 Back River Neck Road
W of Back River Neck Road, 100' N of Tripgate Road
15th Election District - 5th Councilmanic District
Legal Owner: Patrick J. Malec
Petitioner: Eastgate Apartment Company

Special Hearing to determine whether the spirit and intent of BCZR Section 102.2 was violated when the owner constructed a detached carry-out crab store under a permit originally obtained to construct an attached garage to an existing single family dwelling in a B.L. zone

HEARING: Monday, June 8, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the initials "scs" written below it.

Arnold Jablon
Director

c: Development Engineering Consultants, Inc.
Anthony J. DiPaula, Esquire
Patrick J. Malec
Eastgate Apartment Company

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 24, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



RE: PETITION FOR SPECIAL HEARING
202 Back River Neck Road, W of Back River Neck
Rd, 100' N of Tripgate Rd, 15th Election District, 5th
Councilmanic

Legal Owners: Patrick J. Malec
Petitioner: Eastgate Apartment Company

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY

Petitioner(s)

* Case Number: 98-396-SPH

* * * * *

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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of May, 1998, a copy of the foregoing Entry of Appearance was mailed to Anthony J. DiPaula, Esq., Covahey & Boozer, P.A., 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

Date: May 18, 1998

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

SUBJECT: INFORMATION

Item Number: 396

Petitioner: Eastgate Apartment Company

Zoning: BL

Summary of Recommendation:

In the subject case it would appear that it is far easier to ask for forgiveness than to ask for permission. Based upon testimony presented at the hearing, it may be appropriate to impose creative conditions upon this use to insure that the residents of the apartment complex will not be negatively impacted by the detached carry-out crab store.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL

*Sim
6/18
P.P.
File*

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DiPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN

FAX 410-823-7530

May 26, 1998

* ALSO ADMITTED TO D. C. BAR

5/28/98
WCR
why didn't he
contact Tony?
File
ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD. 21204

CT Management, Inc.
4700 Corridor Place, Suite A
Beltsville, Maryland 20705
Attn: David R. Tini, CPM

Eastgate Apartment Company
2-A Fore Court
Baltimore, Maryland 21221
Attn: Carl Frank Julio

George William Stephens, Jr. & Associates
658 Kenilworth Drive,
Suite 100
Towson, Maryland 21204
Attn: Dean Hoover

RE: MALEC ZONING - 202 BACK RIVER NECK ROAD

Gentlemen:

Enclosed please find a letter that I received on May 22 which came as a surprise that our case was postponed without any other notice to me. I will let you know the new date. I stopped the posting as soon as I received the letter. Scratch June 8 from your calendars for now.

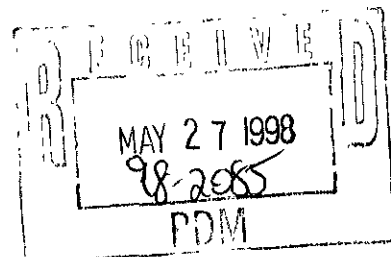
Very truly yours,

Anthony J. DiPaula
Anthony J. DiPaula

AJD/ds
5'ds.130
enclosure

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

111 W. Chesapeake Ave.



IN RE: PETITION FOR SPECIAL HEARING
202 BACK RIVER NECK ROAD
W OF BACK RIVER NECK ROAD, 100' N OF
TRIPGATE ROAD
15TH ELECTION DISTRICT-5TH COUNCILMANIC
DISTRICT
PETITIONER: EASTGATE APARTMENT COMPANY

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-396-SPH

* * * * *

SUBPOENA

TO: ARNOLD JABLON, DIRECTOR, OR HIS DESIGNEE
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVENUE
TOWSON, MD 21204

AMK

You are hereby summoned and commanded to be and appear personally
before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore
County in Room 407, COUNTY COURTS BUILDING, 401 BOSLEY AVENUE, TOWSON, MD

and to bring SEE ATTACHED

on the 8TH day of JUNE, 1998, regarding the above captioned
case, for the purpose of testifying at the request of ANTHONY J. DIPAULA,
ESQUIRE

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

Murphy Kottow
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 5/19/98

IN RE: PETITION FOR SPECIAL * BEFORE THE
HEARING, 202 BACK RIVER NECK *
ROAD, W OF BACK RIVER NECK * ZONING COMMISSIONER
ROAD, 100' N OF TRIPGATE ROAD *
15TH ELECTION DISTRICT * FOR BALTIMORE COUNTY
5TH COUNCILMANIC DISTRICT *
* CASE NO.: 98-396-SPH
PETITIONER:
EASTGATE APARTMENT COMPANY *

* * * * *

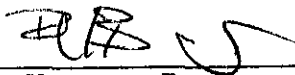
RETURN OF PRIVATE PROCESS SERVER

The undersigned hereby certifies as follows:

1. That I am over eighteen years of age and not a party to the above action.

2. That I served Arnold Jablon, Director, Department of Permits and Development Management, on the 19th day of May, 1998, at 111 W. Chesapeake Avenue, Towson, Maryland 21204 by delivering and leaving with Cathy Bancroft, Secretary to and Authorized Agent for Arnold Jablon, a copy of the attached Subpoena issued by the Deputy Zoning Commissioner on May 19, 1998.

I do solemnly declare and affirm under the penalties of perjury that the matters and facts herein contained are true and correct to the best of my knowledge, information and belief.



F. Vernon Boozer, Jr.
614 Bosley Avenue
Towson, MD 21204

IN RE: PETITION FOR SPECIAL HEARING
202 BACK RIVER NECK ROAD
W OF BACK RIVER NECK ROAD, 100' N OF
TRIPGATE ROAD
15TH ELECTION DISTRICT-5TH COUNCILMANIC
DISTRICT
PETITIONER: EASTGATE APARTMENT COMPANY

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-396-SPH

* * * * *

SUBPOENA

TO: ARNOLD JABLON, DIRECTOR, OR HIS DESIGNEE
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVENUE
TOWSON, MD 21204

You are hereby summoned and commanded to be and appear personally
before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore
County in Room 407, COUNTY COURTS BUILDING, 401 BOSLEY AVENUE, TOWSON, MD

and to bring SEE ATTACHED

on the 8TH day of JUNE 1998, regarding the above captioned
case, for the purpose of testifying at the request of ANTHONY J. DIPAULA,
ESQUIRE

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

Heathly Hottel
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 5/19/98

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

EDWARD C. COVAHEY, JR.
F VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DiPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN

FAX 410-823-7530

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE
TOWSON, MD 21204

* ALSO ADMITTED TO D. C. BAR

June 10, 1998

Arnold Jablon, Director
Department of Permits and
Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: CASE NO.: 98-396-SPH
PETITIONER: EASTGATE APARTMENT CO.
LOCATION: 202 BACK RIVER NECK ROAD

Dear Mr. Jablon:

On behalf of the Petitioner, without any notice whatsoever from the owner or his counsel, the above case was postponed from its June 8 hearing date. The first we heard was a letter from you dated May 18, 1998.

On behalf of the Petitioner, we respectfully request that this matter be rescheduled as soon as your calendar permits. I would appreciate a telephone conference so that trial and hearing conflicts can be avoided and a mutually agreeable date can be selected.

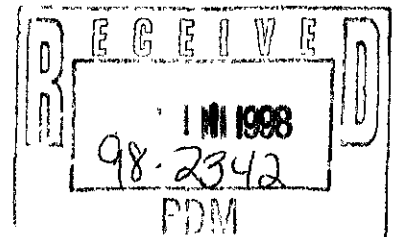
Thank you.

Very truly yours,

Anthony J. DiPaula
Anthony J. DiPaula

AJD/ds
6 ds.75

cc: Benjamin Bronstein, Esquire
Eastgate Apartment Company
CT Management, Inc.
George William Stephens, Jr. & Associates, Inc.
Attn: David Martin



Copies of all applications for permits and building permits issued between January 1, 1996 and the present, relating to 202 Back River Neck Road, Tax Account No. 15-19-270860, including but not limited to permit Nos. B294484, B306475, B293890, as well as any and all inspection reports or documentation evidencing when the improvements described in each permit were constructed, inspected, and approved.



Baltimore County
Department of Permits and
Development Management

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

June 8, 1998

Anthony J. DiPaula, Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: Case Number 98-396-SPH
Petitioner: Eastgate Apt. Co.
Location: 202 Back River Neck Rd.

Dear Mr. DiPaula:

The above matter, previously assigned to be heard on June 8, 1998 has been **rescheduled for Monday, July 6, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.** This case will be held in conjunction with case number 98-442-X

The new hearing date and time should be affixed to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:scj

c: Benjamin Bronstein, Esquire
Patrick J. Malec
Eastgate Apartment Company
Development Engineering Consultants, Inc.





Baltimore County
Department of Permits and
Development Management

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

May 18, 1998

Anthony J. DiPaula, Esquire
Covahey & Boozer, PA
614 Bosley Avenue
Towson, MD 21204

RE: Case Number 98-396-SPH
Petitioner: Eastgate Apt. Co.
Location: 202 Back River Neck Rd.

Dear Mr. DiPaula:

The above matter, previously assigned to be heard on Monnday, June 8, 1998 has been postponed at the request of Benjamin Bronstein, attorney for the legal owner, Patrick J. Malec.

Please be advised that the responsibility and costs associated with the appropriate posting of the property lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so.

If the property has been posted with notice of the hearing date, as quickly as possible a notice of postponement should be affixed to the sign(s). Then, upon notification of the new hearing date, such sign(s) must be changed to give notice of the new hearing date.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:scj

c: Benjamin Bronstein, Esquire
Patrick J. Malec
Eastgate Apartment Company
Development Engineering Consult. Inc.



OFFICE OF PERMITS & DEVELOPMENT
BALTIMORE COUNTY MARYLAND
TOWSON, MARYLAND 21204

DATE: 1-21-97
OEA: 1111A CDP
HISTORIC DISTRICT/BLDG.

PERMIT #: B 287890
RECEIPT #: A 220612
CONTROL #: HR
XREF #:

PROPERTY ADDRESS: 202 BACK RIVER NEAR Rd
SUITE/SPACE/FLOOR: 400 SE Williams Rd.
SUBDIV: 15-19-270860
TAX ACCOUNT #: 15-19-270860
OWNER'S INFORMATION (LAST, FIRST)
NAME: MALEC, PATRICK Joseph
ADDR: P.O. Box 7795

☐ YES ☒ NO
☐ DO NOT KNOW
DISTRICT/PRECINCT
15th 17

FEE: 80. + 5.
PAID: App L
PAID BY: App L
INSPECTOR:

APPLICANT INFORMATION

NAME: PAT MALEC
COMPANY: Gary Holman Const
STREET: 202 7795
CITY, ST, ZIP: ESSEX MD 21221
PHONE #: 687-3629 MHIC LICENSE #: 27036

DOES THIS BLDG.
HAVE SPRINKLERS
YES ☐ NO ☐

I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN FURTHER THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

APPLICANT SIGNATURE: [Signature] TRACT: 21221 BLOCK: PL 2
PLANS: CONST 2 PLOT 4 PLAT DATA
TENANT: Gary Holman Construction
ENGR: Gary Holman Const
SELLER:

BUILDING 1 or 2 FAM.
CODE CODE
BOCA CODE

- TYPE OF IMPROVEMENT
- 1. ☐ NEW BLDG CONST
 - 2. ☒ ADDITION
 - 3. ☐ ALTERATION
 - 4. ☐ REPAIR
 - 5. ☐ WRECKING
 - 6. ☐ MOVING
 - 7. ☐ OTHER

Also Property # 31-00-001069
DESCRIBE PROPOSED WORK:

Construct Addition On Rear
Attached Garage of Ex 5FD. To Be Used As
2-Car Attached Garage with Breezeway (6'x13')
44'x49'x19' = 1,662 # Plans waived. Letter
to Flood Zone C

TYPE OF USE

- RESIDENTIAL
- 01. ☒ ONE FAMILY
 - 02. ☐ TWO FAMILY
 - 03. ☐ THREE AND FOUR FAMILY
 - 04. ☐ FIVE OR MORE FAMILY
(ENTER NO UNITS) _____
 - 05. ☐ SWIMMING POOL
 - 06. ☐ GARAGE
 - 07. ☐ OTHER

- NON-RESIDENTIAL
- 08. ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
 - 09. ☐ CHURCH, OTHER RELIGIOUS BUILDING
 - 10. ☐ FENCE (LENGTH _____ HEIGHT _____)
 - 11. ☐ INDUSTRIAL, STORAGE BUILDING
 - 12. ☐ PARKING GARAGE
 - 13. ☐ SERVICE STATION, REPAIR GARAGE
 - 14. ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
 - 15. ☐ OFFICE, BANK, PROFESSIONAL
 - 16. ☐ PUBLIC UTILITY
 - 17. ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
 - 18. ☐ SIGN
 - 19. ☐ STORE _____ MERCANTILE _____ RESTAURANT _____
SPECIFY TYPE _____
 - 20. ☐ SWIMMING POOL _____
SPECIFY TYPE _____
 - 21. ☐ TANK, TOWER
 - 22. ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS _____)
 - 23. ☐ OTHER

TYPE FOUNDATION BASEMENT
1. ☒ SLAB
2. ☐ BLOCK
3. ☐ CONCRETE
1. ☐ FULL
2. ☐ PARTIAL
3. ☐ NONE

TYPE OF CONSTRUCTION

- 1. ☒ MASONRY
- 2. ☐ WOOD FRAME
- 3. ☐ STRUCTURE STEEL
- 4. ☐ REINF. CONCRETE

TYPE OF HEATING FUEL

- 1. ☐ GAS
- 2. ☐ OIL
- 3. ☐ ELECTRICITY
- 4. ☐ COAL

TYPE OF SEWAGE DISPOSAL

- 1. ☒ PUBLIC SEWER ☒ EXISTS ☐ PROPOSED
- 2. ☐ PRIVATE SYSTEM ☐ EXISTS ☐ PROPOSED
- 3. ☐ SEPTIC ☐ EXISTS ☐ PROPOSED
- 4. ☐ PRIVY ☐ EXISTS ☐ PROPOSED

CENTRAL AIR: 1. ☐ 2. ☐
ESTIMATED COST: \$34,000
OF MATERIALS AND LABOR

TYPE OF WATER SUPPLY

- 1. ☐ PUBLIC SYSTEM ☒ EXISTS ☐ PROPOSED
- 2. ☐ PRIVATE SYSTEM ☐ EXISTS ☐ PROPOSED

PROPOSED USE: 5FD + Addition
EXISTING USE:

OWNERSHIP
1. ☒ PRIVATELY OWNED 2. ☐ PUBLICLY OWNED 3. ☐ SALE 4. ☐ RENTAL

RESIDENTIAL CATEGORY: 1. ☐ DETACHED 2. ☐ SEMI-DET. 3. ☐ GROUP 4. ☐ TOWNHSE 5. ☐ MIDRISE
#1BED: 1 #2BED: 1 #3BED: 1 TOT BED: 3 TOT APTS/CONDOS: 1 6. ☐ MIRISE

1 FAMILY BEDROOMS 1 BATHROOMS 1 CLASS 06
GARBAGE DISPOSAL 1 KITCHENS 1 LIBR 1 FOLIO 1
POWDER ROOMS 1

BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR 1,662 SIZE 50' x 162'
WIDTH 50' FRONT STREET 162'
DEPTH 162' SIDE STREET 162'
HEIGHT 162' FRONT SETBK NO
STORIES 1 SIDE SETBK 59' 51"
LOT #'S 1 SIDE STR SETBK NO
CORNER LOT 1 REAR SETBK NO
1. ☒ Y 2. ☐ N ZONING 162'

APPROVAL SIGNATURES DATE
BLD INSP: [Signature] 1/21/97
FIRE: [Signature] 1/21/97
SEDI CTL: [Signature] 1/21/97
ZONING: [Signature] 1/21/97
SUB-SERV: [Signature] 1/21/97
ENVRMNT: [Signature] 1/21/97
PERMITS: [Signature] 1/21/97

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND
NO PERMIT FEES REFUNDED
Wants To Waive Plans.

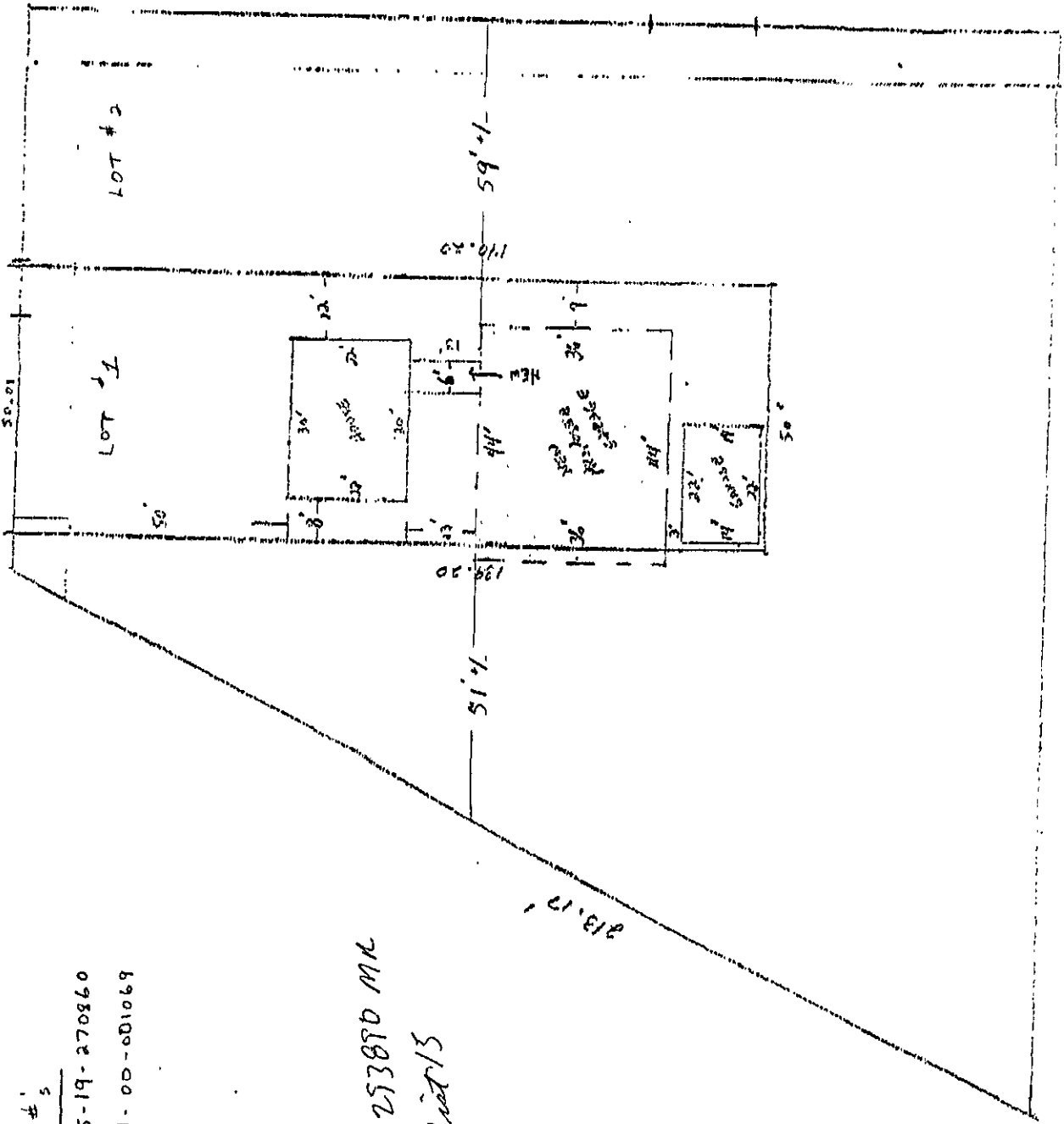
BRAK RIVER NECK RD

PROPERTY TAX I.O. #s

LOT 1 - 15-19-270960
 LOT 2 - 21-00-001069

500005

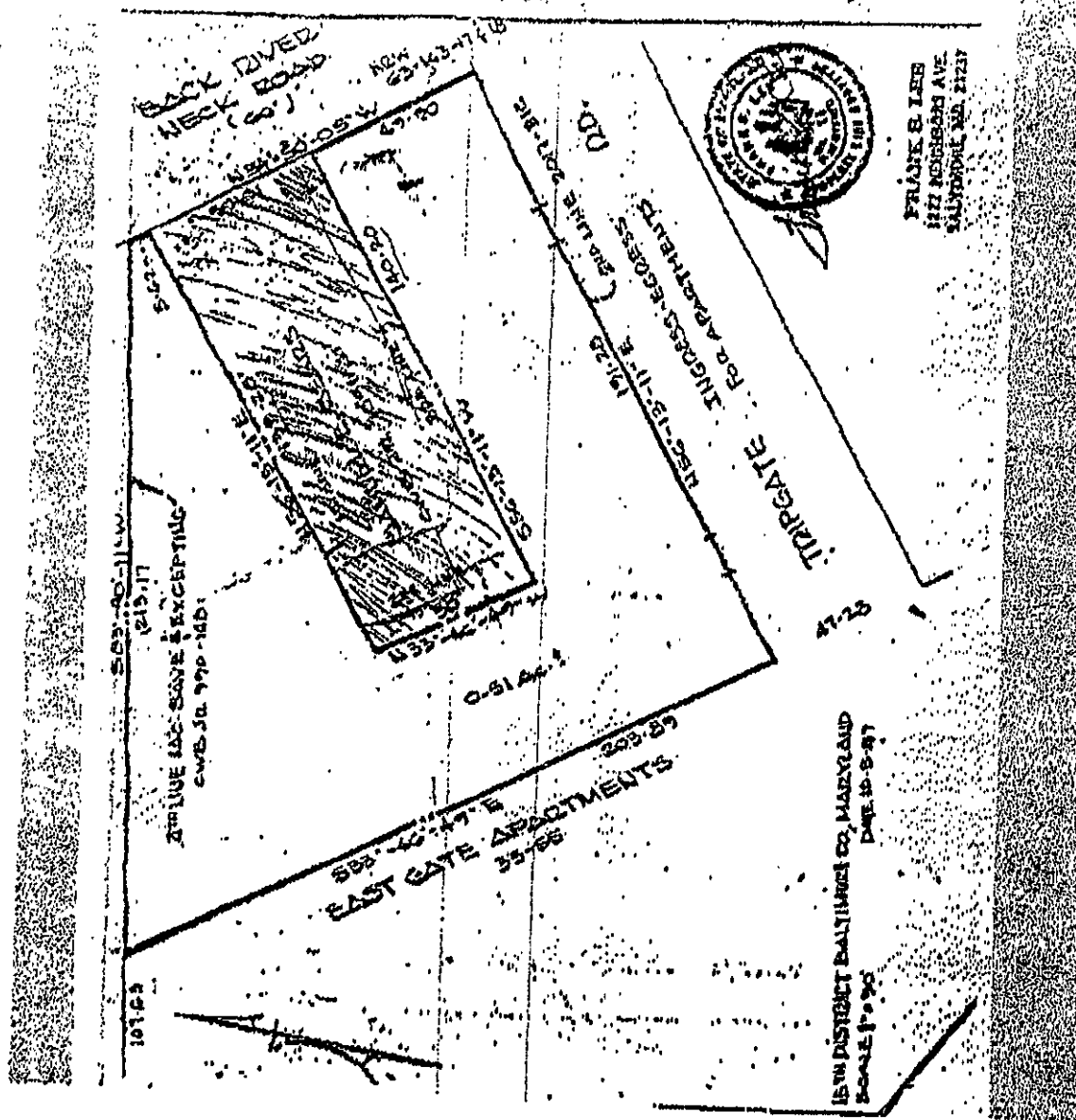
0253890 MK
 Plat 15



TRIDGATE RD

191.22

172.51



0.51 ac - 208 ft Property Tax ID # 21-00-001069
 208 15-19-270860

APPLICATION FOR BUILDING PERMIT

PERMIT #: B293890 CONTROL #: MR DIST. 15 PREC: 17

LOCATION: 202 BACK RIVER NECK RD
 SUBDIVISION: 400 SE WILLIAMS RD
 TAX ASSESSMENT #: 1519270860

OWNERS INFORMATION

NAME: MALEL, PATRICK JOSEPH
 ADDR: 202 BACK RIVER NECK RD 21221

APPLICANT INFORMATION

NAME: PAT MALEL
 COMPANY: GARY HOHMAN CONSTRUCTION
 ADDR1: P.O. BOX 7795
 ADDR2: E5SEFX MD 21221
 PHONE #: 687 3629 LICENSE #: 27036

NOTES

KRA/COP CANCELLED BY 0224404

TRACT: BLOCK:
 PLANS: CONST 0 PLOT 1 R PLAT 0 DATA 0 ELEC YES PLUM NO
 TENANT:
 CONTR: GARY HOHMAN CONSTRUCTION
 ENGR:
 SELLER:
 WORK: CONST ADDITION ON REAR OF EX. SFD TO BE USED AS
 2 CAR GARAGE. GARAGE TO BE ATTACHED BY
 BREEZEWAY (6'X13'). PLANS WAIVED PER 1 RETIEW
 1/21/97. 44'X49'X19' 1.6625F

PROPOSED USE: SFD + ADDITION
 EXISTING USE: SFD

BLDG. CODE: 1 AND 2 FAM. CODE
 RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
 ESTIMATED COST OF MATERIAL AND LABOR: 34,000.00

TYPE OF IMPRV: ADDITION

USE: ONE FAMILY
 FOUNDATION: BLOCK BASEMENT: NONE
 SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
 CONSTRUCTION: MASONRY FUEL:
 CENTRAL AIR

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM.
 NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE.
 TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PERMIT #: B293670

DIMENSIONS - INSTALL FIXTURES

BUILDING SIZE
GARAGE DISP: 1100R. 1,662
POWER ROOMS: WIDTH: 44'
BATHROOMS: DEPTH: 49'
KITCHENS: HEIGHT: 19'
STORIES: 1

LOT NOS:
CORNER LOT: Y

LOT SIZE AND SETBACKS
SIZE: 7,750SQ
FRONT STREET:
SIDE STREET:
FRONT SETB. NC
SIDE SETB. 79',54'
SIDE STR SETB:
REAR SETB. NC

ZONING INFORMATION

DISTRICT: BLOCK:
PETITION: SECTION:
DATE: LIBER: 000
MAP: FOLIO: 000
CLASS: 06

ASSESSMENTS

LAND: 0041750.00
IMPROVEMENTS: 0048040.00
TOTAL ASS.:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSIDIARIZED CRITICAL AREA:

DATE APPLIED: 01/21/97 INSPECTOR INITIALS 15R
FEE: \$85.00 PAID: \$85.00 RECEIPT #: A330612
PAID BY: APP

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HERELN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT ...
OWNER ...

SIGNATURE OF APPLICANT

PHONE

TIME: 14 31 13
DATE: 01/28/97

AUTOMATED PERMIT TRACKING SYSTEM
APPROVALS DETAIL SCREEN

Page: 810134
LAST UPDATE: 01/28/97
F11 09 50 57

PERMIT #: B294484

AGENCY	DATE	CODE	COMMENTS
BLD PLAN	01/28/97	01	ALB/KRA
ZONING	01/28/97	01	JY/KRA
PUB SERV	01/28/97	01	JY/KRA
ENVRMNT	01/28/97	01	LT/KRA
PERMITS	01/28/97	01	DAS/KRA

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER : NEXT APPROVAL F14 - ISSUE PERMIT

F12 - MENU



APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

15511ED

DATE: 1-28-97

OEA: 10/11/97

HISTORIC DISTRICT BLDG.

PERMIT #: B-294484
RECEIPT #: A-320946
CONTROL #: MR
XREF #:

FEE: 10.00 REV.
PAID: 10.00 REV.

PAID BY:
INSPECTOR:
I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN POINT THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
CERTIFIED WITHIN THE SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

BUILDING 1 or 2 FAM.

CODE CODE
BOCA CODE

TYPE OF IMPROVEMENT

1. NEW BLDG CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

TYPE OF USE

RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER

TYPE FOUNDATION

1. SLAB
2. BLOCK
3. CONCRETE

BASEMENT

1. FULL
2. PARTIAL
3. NONE

TYPE OF CONSTRUCTION

1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS
2. OIL
3. ELECTRICITY
4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER
2. PRIVATE SYSTEM
3. SEPTIC
4. PRIVY

CENTRAL AIR: 1. 2. 3. 4.
ESTIMATED COST: \$24,000.00
OF MATERIALS AND LABOR

PROPOSED USE: SEW & ADDITION
EXISTING USE: SEW

OWNERSHIP

1. PRIVATELY OWNED
2. PUBLICLY OWNED
3. SALE
4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHOUSE 5. MIDRISE
#FPP: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. MIRISE

1 FAMILY BEDROOMS

GARBAGE DISPOSAL 1. Y 2. N

POWDER ROOMS

BATHROOMS

KITCHENS

CLASS 6

LIBER 6 FOLIO

BUILDING SIZE

FLOOR 1662

WIDTH 44

DEPTH 47

HEIGHT 19

STORIES 1

LOT # 8

CORNER LOT

1. 2. N

LOT SIZE AND SETBACKS

SIZE 7750 SF

FRONT STREET

SIDE STREET

FRONT SETBK NC

SIDE SETBK 59/51

SIDE STR SETBK

REAR SETBK NC

APPROVAL SIGNATURES

DATE

BLD INSP: 1/28/97
BLD PLAN: 1204 Buckleman FINAL 1/28/97
FIRE: 1/28/97
SEDI CTL: 1/28/97
ZONING: 1/28/97
ENVIRMT: 1/28/97
PERMITS: 1/28/97

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

LURIVE PLANS Approved as per permit # B-293820

APPLICATION FOR BUILDING PERMIT

PERMIT # 0274484 CONTROL #: MR DIST 15 PREC. 17

LOCATION: 202 BACK RIVER NECK RD
SUBDIVISION: 400 SE WILLIAMS RD
TAX ASSESSMENT #: 1519270860

OWNERS INFORMATION

NAME: MALEL, PATRICK JOSEPH
ADDR: 202 BACK RIVER NECK RD 21221

APPLICANT INFORMATION

NAME: PAT MALEL
COMPANY: GARY HOHMAN CONSTRUCTION
ADDR1: P.O. BOX 7795
ADDR2: ESSEX MD 21221
PHONE #: 667-3629 LICENSE #: 27036

NOTES

JB/KRA

TRACT: BLOCK
PLANS: CONST 0 PLOT 0 R PLOT 0 DATA 0 FLEC YES PLUH YES
TENANT:
CONTR: GARY HOHMAN CONSTRUCTION
ENGNR:
SELLR:
WORK: CONST ADDITION ON REAR OF EX. SFD TO BE USED AS
2 CAR GARAGE. GARAGE TO BE ATTACHED BY
BREEZEWAY (6'X13'). PLANS WAIVED PER L RETTEW
1/21/97. 44'X49'X19' 1,362SF WORKSHOP & PWORM
REFER BACK TO B293890 FOR SITE PLAN.
EXPIRES 1/21/98

PROPOSED USE: SFD + ADDITION

EXISTING USE: SFD

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 34,900.00

TYPE OF IMPRV: ADDITION

USE: ONE FAMILY

FOUNDATION: BLOCK

BASEMENT: NONE

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

CONSTRUCTION: MASONRY

FUEL:

CENTRAL AIR.

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:

TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PERMIT # D294484

DIMENSIONS - INSTALL FIXTURES

	BUILDING SIZE
GARBAGE DISP:	FLOOR: 1,662
POWDER ROOMS:	WIDTH: 44'
BATHROOMS:	DEPTH: 49'
KITCHENS:	HEIGHT: 19'
	STORIES: 1

LOT SIZE AND SETBACKS
SIZE: 7,750SF
FRONT STREET:
SIDE STREET:
FRONT SEIB: NC
SIDE SEIB: 59' / 51'
SIDE STR SEIB:
REAR SETB: NC

LOT NOS:
CORNER LOT: Y

ZONING INFORMATION

DISTRICT:	BLOCK:
PETITION:	SECTION:
DATE:	LIBER 000
MAP:	FOLIO: 000
	CLASS 06

ASSESSMENTS

LAND:	0041750.00
IMPROVEMENTS:	0048040.00
TOTAL ASS.:	

PLANNING INFORMATION

MASTER PLAN AREA:	SUBSEWERSED	CRITICAL AREA:
-------------------	-------------	----------------

DATE APPLIED: 01/28/97	INSPECTOR INITIALS: 15R	
FEE: \$10.00	PAID: \$10.00	RECEIPT # A320946
PAID BY: APP		

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT
OWNER

SIGNATURE OF APPLICANT

PHONE

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPT. OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 5.29.97
OEA: DLS/KM
HISTORIC DISTRICT/BLDG.

PERMIT # 3306475
RECEIPT # 22988
CONTROL # 000-
XREF #:

PROPERTY ADDRESS 202 BARK RIVER NECK RD
SUITE/SPACE/FLOOR
SUBDIV: 400 SE WILLIAMS RD
TAX ACCOUNT #: 1519279860
OWNER'S INFORMATION (LAST, FIRST)
NAME: PATRICK J. MALEE
ADDR: P.O. 2745 ESSEX MD 21221

FEE: 35.00 + 140.00
PAID: 35.00
PAID BY: MPP
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN FILING THIS WITH ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

BUILDING 1 OF 2 FAM.
CODE CODE:
DOCA/CODE:

TYPE OF IMPROVEMENT

1. NEW BLDG CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER COC

TYPE OF USE

RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY (ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER

TYPE FOUNDATION BASEMENT
1. SLAB 1. FULL
2. BLOCK 2. PARTIAL
3. CONCRETE 3. NONE

TYPE OF CONSTRUCTION

1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

CENTRAL AIR: 1. 0
ESTIMATED COST: 5
OF MATERIALS AND LABOR

PROPOSED USE: MATCHING OUR CRABS IN DET GARAGE

EXISTING USE: DETACHED GARAGE

OWNERSHIP: 1. PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE

NEFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. MIDRISE

1 FAMILY BEDROOMS: 1. Y 2. N BATHROOMS: CLASS 06

GARBAGE DISPOSAL: 1. Y 2. N KITCHENS: LIBER FOLIO

POWDER ROOMS: 1. Y 2. N

BUILDING SIZE

FLOOR 21

WIDTH 14

DEPTH 14

HEIGHT 3

STORIES 3

LOT # 8

CORNER LOT

1. Y 2. N

LOT SIZE AND SETBACKS

SIZE 50x00

FRONT STREET

SIDE STREET

FRONT SETBK

SIDE SETBK

SIDE STR SETBK

REAR SETBK

1. Y 2. N ZONING

DESCRIBE PROPOSED WORK:

Change of occupancy
from DET GARAGE TO CARRY OUT CRABS
House - NO ACTS TO BE DONE

NON-RESIDENTIAL REF: B044484

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE, MERCANTILE, RESTAURANT
20. SWIMMING POOL
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER

20. SWIMMING POOL SPECIFY TYPE

21. TANK, TOWER

22. TRANSIENT HOTEL, MOTEL (NO. UNITS)

23. OTHER

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER EXISTS PROPOSED

2. PRIVATE SYSTEM SEPTIC EXISTS PROPOSED

PRIVY EXISTS PROPOSED

TYPE OF WATER SUPPLY

1. PUBLIC SYSTEM EXISTS PROPOSED

2. PRIVATE SYSTEM EXISTS PROPOSED

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APPROVAL SIGNATURES DATE

BLD INSP: 5/30/97

BLD PLAN: 5/30/97

PIRE: 5/30/97

SEDI CTI: 5/30/97

ZONING: 5/30/97

PUB SERV: 5/30/97

ENVRMT: 5/30/97

PERMITS: 5/30/97

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

New Cts Bldg

APPLICATION FOR BUILDING PERMIT

PERMIT #: B306475 CONTROL # C- DIST: 15 PREC: 17

LOCATION: 202 BACK RIVER NECK RD
SUBDIVISION: 400 SE WILLIAMS RD
TAX ASSESSMENT #: 1519270060

OWNERS INFORMATION

NAME: MALEC, PATRICK
ADDR: PO BOX 7795 BALTO MD 21221

APPLICANT INFORMATION

NAME: PATRICK MALEC
COMPANY:
ADDR1: 202 BACK RIVER NECK RD
ADDR2: BALTO MD 21221
PHONE #: 410 687 0485 LICENSE #:

NOTES

DLS/SMD

TRACT: BLOCK:
PLANS: CONST 00 PLOT 9 R PLAT 0 DATA 0 ELEC YES PLUM YES
TENANT:
CONTR: OWNER
ENGR:
SELLR:
WORK: CHANGE OF OCCUPANCY FROM DET. GARAGE TO CARRY
OUT ONLY CRAB HOUSE-NO INT ALT-REFER TO B294484
FOR BLDG CONSTRUCTION, ALSO CONSTRUCT 16'X1'4"X
3'=21SF ILLUM CANOPY FOR FUTURE SIGN ISSUANCE
DOES NOT GUARANTEE SIGN PERMIT-PLANS WAIVED-ALB
ALSO USING TAX #2100001067, TOTAL LOT SIZE .67A

PROPOSED USE: SFD/GARAGE & CARRY OUT ONLY BLDG
EXISTING USE: SFD & 2 DET. GARAGES

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 100

TYPE OF IMPRV: ALTERATION
USE: OTHER - NON-RESIDENTIAL

FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: FUEL:
CENTRAL AIR:

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:
NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PERMIT #: B306475

DIMENSIONS - INSTALL FIXTURES

	BUILDING SIZE	
GARBAGE DISP:	FLOOR:	21
POWDER ROOMS:	WIDTH:	16'
BATHROOMS:	DEPTH:	1'4"
KITCHENS:	HEIGHT:	3'
	STORIES:	

LOT NOS:
CORNER LOT: Y

LOT SIZE AND SETBACKS
SIZE: 0050.00 X 0000.00
FRONT STREET:
SIDE STREET:
FRONT SETB: 57'8
SIDE SETB: NC/NC
SIDE STR SETB:
REAR SETB: NC

ZONING INFORMATION

DISTRICT:	BLOCK:
PETITION:	SECTION:
DATE:	LIBER: 000
MAP:	FOLIO: 000
	CLASS: 06

ASSESSMENTS

LAND: 0031750.00
IMPROVEMENTS: 0048220.00
TOTAL ASC.

PLANNING INFORMATION

MASTER PLAN AREA: SUPERSEWERSHOED CRITICAL AREA

DATE APPLIED: 05/30/97 INSPECTOR INITIALS: 15C
FEE: \$175.00 PAID: \$175.00 RECEIPT #: A329864
PAID BY: APPL

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE CODE, CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

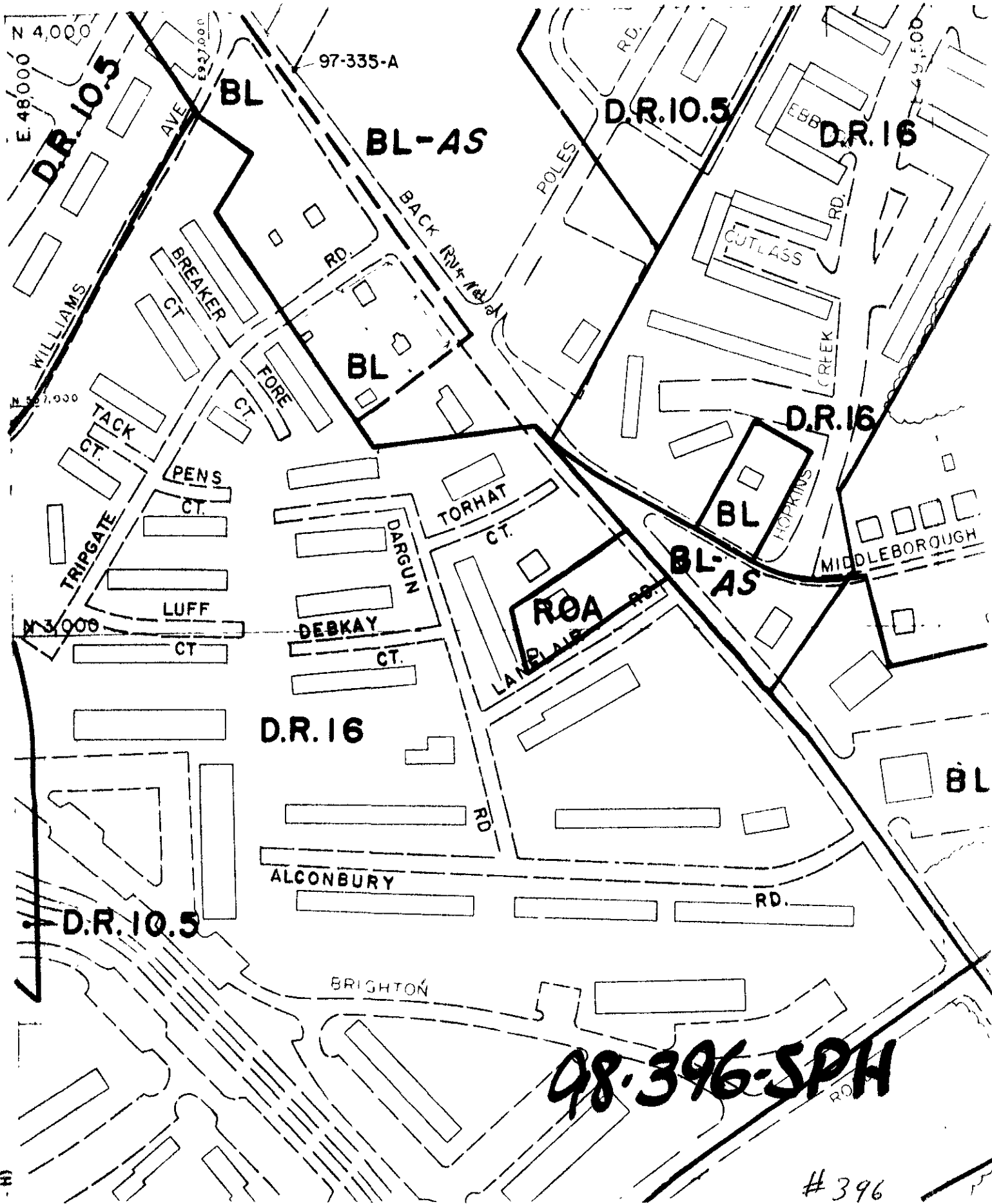
DATE

ADDRESS

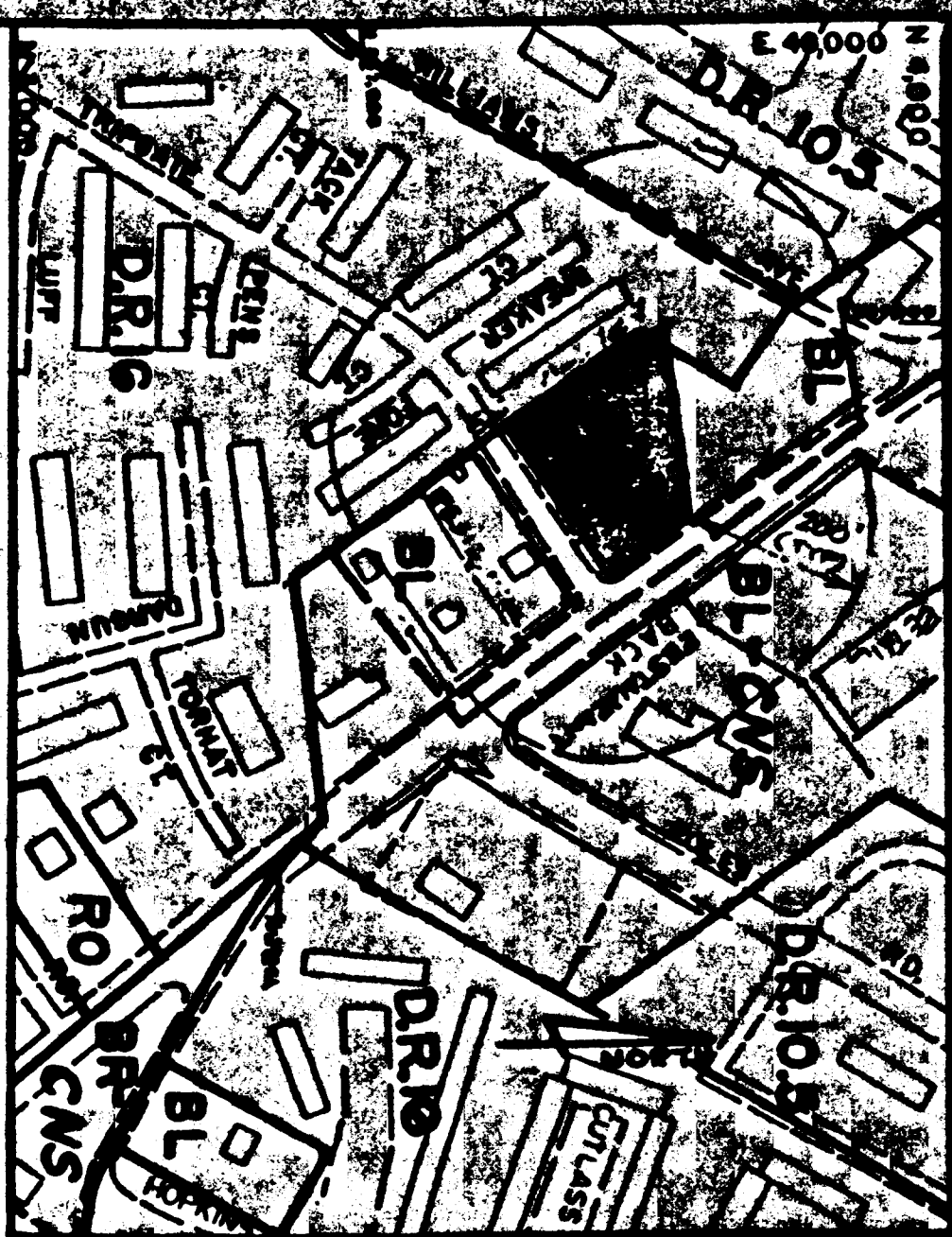
AGENT
OWNER

SIGNATURE OF APPLICANT

PHONE



SPECIAL HEARING



SCALE: 1"=200'

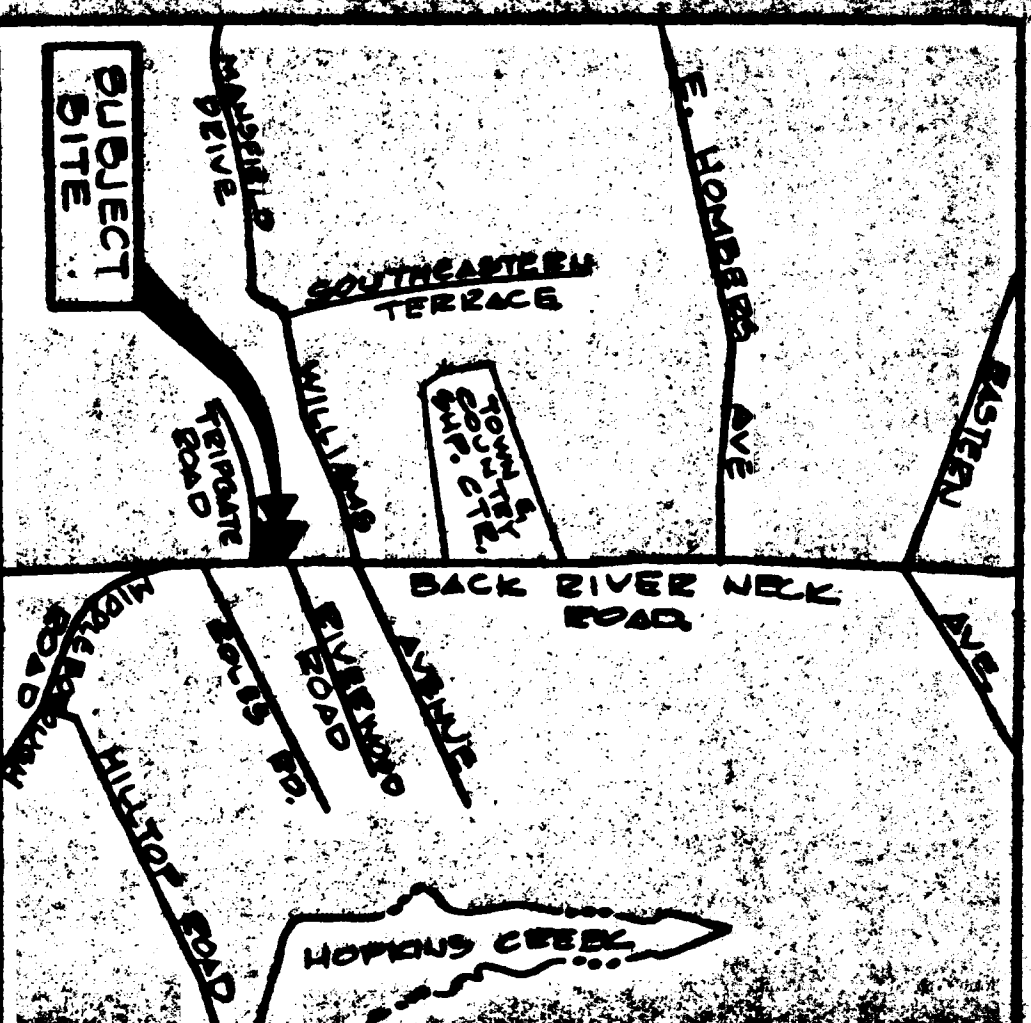
EXPLODED USE OF EXISTING BUILDINGS	
HOUSE	OFFICE
LOBBY CORRIDOR	CARRY-OUT
SMALL BARS	RESTAURANT
	STORAGE FOR CARRY-OUT RESTAURANT

BUILDING AREA TABULATION
 EXIST HOUSE 1304.22' x 600' x 11'
 EXIST LARGE GARAGE 14,150' x 1,584' x 6' x 11'
 + EXIST SMALL GARAGE 12,144' x 1,008' x 6'
 TOTAL = 25525 SF

FLOOD AREA RATIO (%)
 R.A. + BUILDING AREA = 2,551.59
 AGROBIO SITE AREA = 32,905.2 0.08 (3.0 ALLOWED)
 *INCLUDES 1/2 ROAD RIGHT-OF-WAY

PARKING DATA

OFFICE - B. & H. / 1000 B. F. - <u>2.11</u>	1000 - 2.11
CARRY-OUT REST. -	
B. O. H. / 1,000 W. F. - <u>2.07</u>	1000 - 2.07
(Note for storage)	



VICINITY MAP
SCALE: 1"=1000'

LOCATION INFORMATION

ELECTION DISTRICT: 15

1"=200' SCALE MAP; NE 1/4

LOT SIZE: PARCEL #1 = 6,901 S.F. (0.16 AC)
(NET AREA)
PARCEL #2 = 2,216 S.F. (0.05 AC)
TOTAL = 20,103 S.F. (0.47 AC)

PREVIOUS COMMERCIAL PERMITS: NONE ON FILE w/ COUNTY

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY CRITICAL AREA ☐ ☒
PRIOR ZONING HEARINGS: 97-537 A

ZONING OFFICE USE ONLY

98-396-SFH

SIGN DETAIL

TRIPGATE ROAD
(Just in common PRIVATE R/W)

DAVID J. MARY BLAIR
0800/8
RESIDENTIAL

EXIST
HOUSE

205
BACK RIVER

SEE SEPARATE DETAIL THIS SHEET FOR ZONING & BUILDINGS ON ADJACENT SITES

N/P
MC DONALDS COEF
8000/553

RESTAURANT

98-396-SPH



DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6605 YORK ROAD #165 • 717-2600 BALTIMORE, MARYLAND 21212

OWNER
PATRICK W. MALBEC
P.O. BOX 7795
ESSEX, MD. 21222
(410) 687-0465

PLAT TO ACCOMPANY SPECIFIC PETITION
202 BACK RIVER NECK ROAD
BALTIMORE COUNTY
1ST ELECTION DISTRICT

BALTIMORE COUNTY, MD.

1
of
1
5/28/97
SCALE
1"=20'
97-118