

7/8/99

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
NE/S Back River Neck Road, 1210'		
N of Pottery Farm Road	*	DEPUTY ZONING COMMISSIONER
(Parcel 76, fka Ebersberger Property)		
15 th Election District	*	OF BALTIMORE COUNTY
5 th Councilmanic District		
	*	Case No.: 98-483-SPH
Fitzpatrick Realty, Inc.		
Petitioner	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS
OF LAW ON REMAND

This matter comes before the Deputy Zoning Commissioner on remand from the County Board of Appeals for Baltimore County (Board) for reconsideration of a Petition for Special Hearing filed by Fitzpatrick Realty, Inc. It involves three lots located on property on Back River Neck Road in eastern Baltimore County, in the Chesapeake Bay Critical Area.

The original petition sought approval for nonconforming, buildable lots, an exemption from Section 102.4 of the Baltimore County Zoning Regulations (BCZR) (which requires a minimum right of way of 30 feet here), and the modification of the lots as proposed. Two of the lots are less than 20,000 square feet in area. This Deputy Zoning Commissioner granted the relief that the Petitioner sought in the original petition.

People's Counsel appealed the case. That office's position is, first of all, that BCZR Sections 101 and 104 provide for "nonconforming uses", but not for "nonconforming lots". People's Counsel argues that the three lots are subject, therefore, to any and all applicable provisions of the zoning and development regulations. Secondly, People's Counsel opposed the exemption from BCZR § 102.4, on the basis that there is no legal justification for such exemption.

After discussions between the parties, there was a joint motion to remand filed before the Board. The Board granted the motion and passed an order of remand. Upon remand, Petitioner is

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Date 8/8/99
By [Signature]

not proceeding on the basis that the lots are "nonconforming". Accordingly, any development of these lots and/or any requests for building permits are subject to review for compliance with applicable zoning and development regulations, or other applicable provisions of law.

Because the original petition identified the lots as "nonconforming", there was not any general County agency review for compliance with the zoning and development regulations. The amended Petition for Special Hearing does not purport to determine general compliance, but rather clarifies and determines that they are subject to review for compliance.

As to BCZR § 102.4, Petitioner's Remand Exhibit 1, the plat to accompany the amended petition, shows a right of way 30 feet wide, and is not requesting an exemption from Section 102.4.

BCZR § 102.4 provides:

No dwelling, other than a multi-family building, shall be built on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel, except as provided for panhandle lots in Section 26-266 of the County Code.

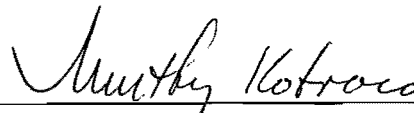
Therefore, the amended site plan must show that the right-of-way has an easement over which the public has the right of travel by including language to the effect that the right-of-way is open to use by the public. This amended Petition for Special Hearing merely allows for amendments to the plan to comply specifically with BCZR § 102.4. Any development approvals must comply with this Order.

Pursuant to the Board's Order of Remand, and for the reasons given above, the Petition for Special Hearing should be granted, subject to the conditions, as stated below.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of March, 1999, that the Amended Petition for Special

Hearing for the three lots is GRANTED, subject to the following conditions:

- 1) That the three modified lots are not "nonconforming", but rather are subject to any and all applicable zoning and development regulations, or other provisions of law;
- 2) That the Petitioner shall revise the amended site plan to show a minimum right of way of 30 feet in width to comply with BCZR § 102.4, including additional language to reflect that the public has a right of travel over the easement;
- 3) That the Petitioner shall submit the revised site plan to this Deputy Zoning Commissioner and to the Department of Permits and Development Management within 15 days of the date of this Order. The revised site plan shall incorporate the conditions and restrictions specified herein;
- 4) That when applying for any permits or other approvals, the Petitioner must reference this case and set forth and address the restrictions of this Order; and
- 5) That a copy of these Findings of Fact and Conclusions of Law on Remand and these conditions shall be mailed by the Petitioner to the Department of Permits and Development Management.



Timothy M. Kotroco
Deputy Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING
Date 3/8/99
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

March 8, 1999

Robert D. Porter, Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Back River Neck Road, 1210' N of Pottery Farm Road
(Parcel 76, fka Ebersberger Property)
15th Election District - 5th Councilmanic District
Fitzpatrick Realty, Inc. - Petitioners
Case No. 98-483-SPH

Dear Mr. Porter:

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

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

Very truly yours,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

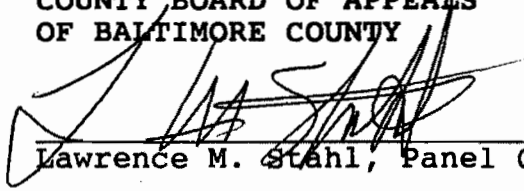
cc: Mr. Kevin Fitzpatrick, Fitzpatrick Realty, Inc.
7 Apple Valley Court, Parkton, Md. 21120-9045

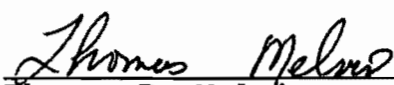
People's Counsel; Case File

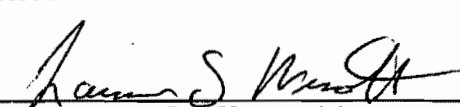


FURTHER ORDERED, that the Petitioner shall make the revisions ordered herein and submit the Plat and the Petition, as revised, to the Deputy Zoning Commissioner within 15 days from the date of this Order.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence M. Stahl, Panel Chairman


Thomas P. Melvin


Lawrence S. Wescott



County Board of Appeals of Baltimore County

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

December 15, 1998

Robert D. Porter, Esquire
Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, MD 21204

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

RE: Case No. 98-483-SPH
Fitzpatrick Realty, Inc. -Petitioner
Order /Joint Motion to Remand

Dear Counsel:

Enclosed please find a copy of the Order issued this date by the County Board of Appeals of Baltimore County in accordance with the Joint Motion to Remand filed in this case by Petitioner and Appellant.

Very truly yours,

Charlotte E. Rodolphe for
Kathleen C. Bianco
Administrator

Enclosure

cc: Mr. Kevin Fitzpatrick, President
Fitzpatrick Realty, Inc.
Mr. Carl Maynard, President
Back River Neck Community Association
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
J. Thompson /Code Enforcement Supervisor
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



12/8/98
PETITION FOR SPECIAL HEARING
1210' ± NW Pottery Farm Road
15th Election District; 5th Councilmanic District

FITZPATRICK REALTY, INC.,

Petitioner

BEFORE THE
COUNTY BOARD OF
APPEALS FOR
BALTIMORE COUNTY

CBA Case No.: 98-483-SPH

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COUNTY BOARD OF APPEALS
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JOINT MOTION TO REMAND TO THE
DEPUTY ZONING COMMISSIONER

Fitzpatrick Realty, Inc., Petitioner, by and through Robert D. Porter, Howard L. Alderman, Jr. and Levin & Gann, P.A., its legal counsel, and People's Counsel, Appellant, jointly request that this Board remand the above-captioned case to the Deputy Zoning Commissioner of Baltimore County upon the conditions set forth herein and in support thereof state as follows:

1. Fitzpatrick Realty, Inc., a Maryland corporation, ("Petitioner") owns in fee simple certain real property in the Fifteenth (15th) Election District and Fifth (5th) Councilmanic District of Baltimore County, Maryland.

2. Petitioner filed a Petition for Special Hearing pursuant to Section 507 of the Baltimore County Zoning Regulations to establish:

- a. the existence of three (3) nonconforming, buildable lots;
- b. the exemption of said lots from Baltimore County Zoning Regulations ("BCZR") § 102.4 because of their nonconforming status; and
- c. the modification of said lots as shown on the Plat which accompanied the Petition for Special Exception and which appears in the record of this case as Petitioner's Exhibit 1.

3. On August 26, 1998, after notice and public hearing, Deputy Zoning Commissioner Timothy M. Kotroco issued written Findings of Fact and Conclusions of Law granting, subject to certain conditions, the requested relief.

4. By letter to Arnold Jablon, Director of the Department of Permits and Development Management, dated September 11, 1998, People's Counsel timely noted an appeal of the Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law to this Board.

5. Following Appellant's timely appeal, counsel for Petitioner met with People's Counsel and with Deputy People's Counsel and agreed to request that this Board remand the Petition to the Deputy Zoning Commissioner upon the following conditions:

a. that Petitioner revise the Plat to Accompany the Petition for Special Hearing to clearly delineate a proposed common right-of-way of at least 30 feet in width from Back River Neck Road to abut each of the lots shown on said Plat; and

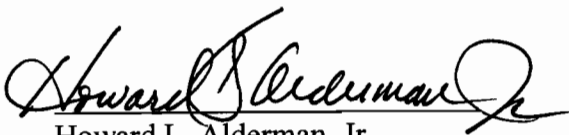
b. that Petitioner revise the Petition for Special Hearing to strike all references to the lots as "nonconforming"; and

c. that Petitioner revise the Petition for Special Hearing to strike the request for a determination by the Deputy Zoning Commissioner that the lots and the proposed right-of-way are exempt from BCZR § 102.4 and to request a determination that the lots and the proposed right-of-way comply with the BCZR.

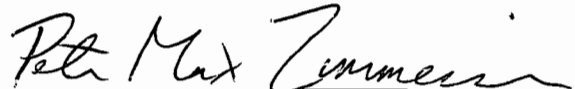
Respectfully submitted,



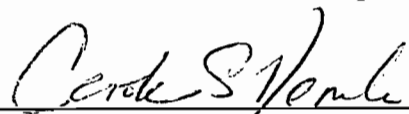
Robert D. Porter



Howard L. Alderman, Jr.
Levin & Gann, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600
Attorneys for Petitioner



Peter Max Zimmerman, People's Counsel



Carole S. Demilio, Deputy People's Counsel
Room 47
Old Court House
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188
Appellant

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
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TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

ROBERT D. PORTER

9680.02

December 4, 1998

By Hand Delivery

Ms. Kathleen Bianco
County Board of Appeals for
Baltimore County
Old Court House
401 Washington Avenue
Towson, Maryland 21204

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COUNTY BOARD OF APPEALS
98 DEC -8 AM 10:26

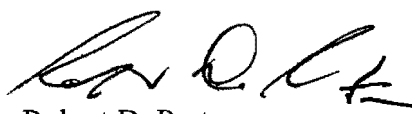
RE: Fitzpatrick Realty, Inc., Petitioner
Case No.: 98-483-SPH

Dear Ms. Bianco:

Enclosed herewith for filing in the above-referenced case is a Joint Motion requesting that the Board of Appeals remand the case to the Deputy Zoning Commissioner and a proposed Order. Mr. Zimmerman advised me by telephone that he is available for the scheduled hearing on Wednesday, December 9, 1998 at 9:30 a.m. Counsel for Fitzpatrick Realty, Inc. is also available for the scheduled hearing.

Thank you for your attention to this matter. If I may provide additional information in advance of the hearing, please do not hesitate to contact me.

Very truly yours,



Robert D. Porter

Enclosures

cc: Mr. Kevin Fitzpatrick
Peter Max Zimmerman, Esquire
Timothy M. Kotroco, Deputy Zoning Commissioner

**PETITION FOR SPECIAL HEARING
1210' ± NW Pottery Farm Road
Fifteenth Election District;
Fifth Councilmanic District**

FITZPATRICK REALTY, INC.,

Petitioner

**BEFORE THE
COUNTY BOARD OF
APPEALS FOR
BALTIMORE COUNTY
CBA Case No.: 98-483-SPH**

ORDER

Upon consideration of the Joint Motion to Remand filed in this case by Petitioner and Appellant and after hearing on same, it is this _____ day of _____, 199____,

ORDERED, that the Petition for Special Hearing of Fitzpatrick Realty, Inc. in CBA Case No.: 98-483-SPH, be and hereby is **REMANDED** for hearing to the Deputy Zoning Commissioner for Baltimore County for further proceedings in accordance with this Order; and it is

FURTHER ORDERED, that the Petitioner shall revise the Plat to Accompany the Petition for Special Hearing to clearly delineate a proposed common right-of-way of at least 30 feet in width from Back River Neck Road to abut each of the lots shown on said Plat and submit said revised Plat to the Deputy Zoning Commissioner; and it is

FURTHER ORDERED, that the Petitioner shall revise the Petition for Special Hearing to:

- 1) strike all references to the lots as "nonconforming"; 2) strike the request for a determination that the lots are exempt from § 102.4 of the Baltimore County Zoning Regulations; and 3) request a determination that the lots and the proposed right-of-way to service them comply with the applicable provisions of the Baltimore County Zoning Regulations; and it is

FURTHER ORDERED, that the Petitioner shall make the revisions ordered herein and submit the Plat and the Petition, as revised, to the Deputy Zoning Commissioner within 15 days from

4270071330 10.30 4100070102 BOARD OF APPEALS

the date of this Order.

Copies to:

Timothy M. Kotroco,
Deputy Zoning Commissioner
Room 405
County Courts Building
Towson, Maryland 21204

Robert D. Porter, Esquire
Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Attorneys for Petitioner

Peter Max Zimmerman, Esquire, People's Counsel
Carole S. Demilio, Esquire, Deputy People's Counsel
Room 47
Old Court House
400 Washington Avenue
Towson, Maryland

Appellant

8/26/98

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/S Back River Neck Road, 1210'
N of Pottery Farm Road * DEPUTY ZONING COMMISSIONER
(Parcel 76, fka Ebersberger Property)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 98-483-SPH
Fitzpatrick Realty, Inc.
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Fitzpatrick Realty, Inc., by Kevin Fitzpatrick, President. The Petitioner seeks approval of the subject property as three nonconforming, buildable lots, the exemption of said lots from Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) as a result of their nonconforming status, and, the modification of said lots as proposed. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Kevin Fitzpatrick, property owner, and Joseph Larson, Professional Engineer who prepared the site plan for this property. The Petitioner was represented by Robert Porter and Howard L. Alderman, Jr., Attorneys at Law. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel consisting of a gross area of 7.5 acres, more or less, zoned D.R. 3.5. The property is approximately 227 feet wide and 1883' deep and is located on the northeast side of Back River Neck Road not far from its intersection with Pottery Farm Road in Essex. The Peti-

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Date

By

tioner proposes to develop the property with two single family dwellings; however, the requested relief is necessary in order to proceed with the proposed improvements. Testimony and evidence presented revealed that the subject property was subdivided to create three lots in 1940, well prior to the effective date of the zoning regulations. However, due to the existence of wetlands on the front portion of the site, the Petitioner proposes to reconfigure the property to create two lots of 0.344 acres each towards the middle of the property, and a third lot towards the rear of the site containing the remaining 6.812 acres. The two smaller lots will be developed with single family dwellings, while the larger lot will remain undeveloped at this time.

It was noted at the hearing that the Petitioner failed to show on the site plan how access would be provided to the two lots from Back River Neck Road. Testimony indicated that access would, in all likelihood, be provided by way of Turkey Point Road, located just north of the subject site. In order to avoid a potential land-locked situation, the Petitioner was advised that an amended plan showing this access must be submitted. Therefore, as a condition of approval, the Petitioner shall submit an amended plan showing access to the subject property, either to Back River Neck Road or Turkey Point Road, prior to the issuance of any permits.

After due consideration of the testimony and evidence presented, it is clear that the subject property has existed as a three-lot parcel since prior to January, 1945, the effective date of the zoning regulations, and as such, enjoys a legal nonconforming use. Therefore, given their nonconforming status, the three lots are exempt from Section 102.4 of the B.C.Z.R. and the proposed modifications can and shall be approved.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of August, 1998 that the Petition for Special Hearing seeking approval of the subject property as three nonconforming, buildable lots, the exemption of said lots from Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) as a result of their nonconforming status, and, the modification of said lots, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The 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) Prior to the issuance of any permits, the Petitioners shall submit a revised site plan showing the proposed access for the two lots in the center of the property out to Back River Neck Road or Turkey Point Road.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/S Back River Neck Road, 1210'
N of Pottery Farm Road * DEPUTY ZONING COMMISSIONER
(Parcel 76, fka Ebersberger Property)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Case No. 98-483-SPH
Fitzpatrick Realty, Inc.
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Fitzpatrick Realty, Inc., by Kevin Fitzpatrick, President. The Petitioner seeks approval of the subject property as three nonconforming, buildable lots, the exemption of said lots from Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) as a result of their nonconforming status, and, the modification of said lots as proposed. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Kevin Fitzpatrick, property owner, and Joseph Larsen, Professional Engineer who prepared the site plan for this property. The Petitioner was represented by Robert Porter and Howard L. Alderman, Jr., Attorneys at Law. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel consisting of a gross area of 7.5 acres, more or less, zoned D.R. 3.5. The property is approximately 227 feet wide and 1883' deep and is located on the northeast side of Back River Neck Road not far from its intersection with Pottery Farm Road in Essex. The Peti-

tioner proposes to develop the property with two single family dwellings; however, the requested relief is necessary in order to proceed with the proposed improvements. Testimony and evidence presented revealed that the subject property was subdivided to create three lots in 1940, well prior to the effective date of the zoning regulations. However, due to the existence of wetlands on the front portion of the site, the Petitioner proposes to reconfigure the property to create two lots of 0.344 acres each towards the middle of the property, and a third lot towards the rear of the site containing the remaining 6.812 acres. The two smaller lots will be developed with single family dwellings, while the larger lot will remain undeveloped at this time.

It was noted at the hearing that the Petitioner failed to show on the site plan how access would be provided to the two lots from Back River Neck Road. Testimony indicated that access would, in all likelihood, be provided by way of Turkey Point Road, located just north of the subject site. In order to avoid a potential land-locked situation, the Petitioner was advised that an amended plan showing this access must be submitted. Therefore, as a condition of approval, the Petitioner shall submit an amended plan showing access to the subject property, either to Back River Neck Road or Turkey Point Road, prior to the issuance of any permits.

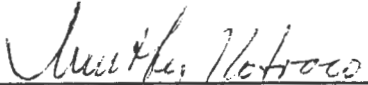
After due consideration of the testimony and evidence presented, it is clear that the subject property has existed as a three-lot parcel since prior to January, 1945, the effective date of the zoning regulations, and as such, enjoys a legal nonconforming use. Therefore, given their nonconforming status, the three lots are exempt from Section 102.4 of the B.C.Z.R. and the proposed modifications can and shall be approved.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of August, 1998 that the Petition for Special Hearing seeking approval of the subject property as three nonconforming, buildable lots, the exemption of said lots from Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) as a result of their nonconforming status, and, the modification of said lots, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The 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) Prior to the issuance of any permits, the Petitioners shall submit a revised site plan showing the proposed access for the two lots in the center of the property out to Back River Neck Road or Turkey Point Road.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

August 26, 1998

Robert Porter, Esquire
Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Back River Neck Road, 1210' N of Pottery Farm Road
(Parcel 76 of the former Ebersberger Property)
15th Election District - 5th Councilmanic District
Fitzpatrick Realty, Inc. - Petitioner
Case No. 98-483-SPH

Dear Messrs. Porter & Alderman:

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

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", is written over a horizontal line.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Kevin Fitzpatrick, President, Fitzpatrick Realty, Inc.
7 Apple Valley Court, Parkton, Md. 21120-9045

Mr. Carl Maynard, President, Back River Neck Peninsula Comm. Assoc.
P.O. Box 16754, Baltimore, Md. 21221

People's Counsel; Case Files



BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

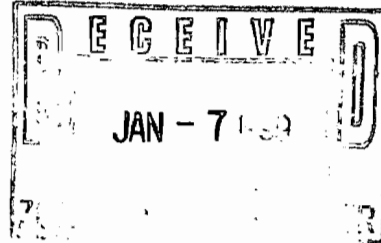
ROBERT D. PORTER

9680.02

January 7, 1999

By Hand Delivery

Timothy M. Kotroco,
Deputy Zoning Commissioner
County Courts Building
Fourth Floor
401 Bosley Avenue
Towson, Maryland 21204



RE: Fitzpatrick Realty, Inc.
Petition for Special Hearing
Case No.: 98-483-SPH

Dear Mr. Kotroco:

Enclosed herewith you will find a revised Petition for Special Hearing and a revised Plat to accompany the Petition. I am submitting the Petition and Plat on behalf of Fitzpatrick Realty, Inc. pursuant to the County Board of Appeals' Order remanding the case for rehearing in advance of the January 13, 1999 rehearing.

Thank you for your continuing consideration of this matter.

Very truly yours,

Robert D. Porter

Enclosures

cc: Mr. Kevin Fitzpatrick (w/enclosures)
Peter "Max" Zimmerman, Esquire (w/enclosures)



Petition for Special Hearing

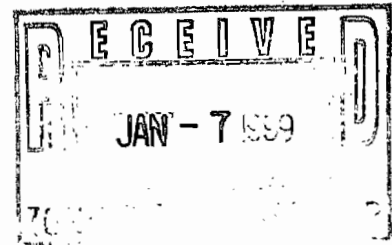
to the Zoning Commissioner of Baltimore County

for the property located at Back River Neck Rd., 1210' +/- NW
Pottery Farm Rd. which is presently zoned D.R. 3.5

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

SEE ATTACHED



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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr., Esquire

(Type or Print Name)

Signature

305 W. Chesapeake Avenue

Suite 113 (410) 321-0600

Address Phone No.

Towson, Maryland 21204

City

State

Zipcode

Legal Owner(s):

Fitzpatrick Pealty, Inc.

(Type or Print Name)

Signature

Kevin Fitzpatrick, President

(Type or Print Name)

Signature

7 Apple Valley Ct. (410)329-6911

Address

Phone No.

Parkton, Maryland 21120-9045

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Howard L. Alderman, Jr., Esquire

Levin & Gann, P.A.

Name 305 W. Chesapeake Avenue

Suite 113 (410) 321-0600

Address Phone No.

Towson, Maryland 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

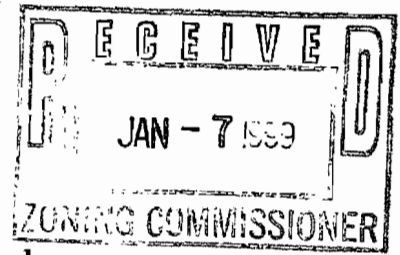
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____





Attachment 1

Amended in Accordance with Board of Appeals' Order

PETITION FOR SPECIAL HEARING

Address: Back River Neck Road, 1210', more or less, northwest of Pottery Farm Road

Legal Owner: Fitzpatrick Realty, Inc.

Contract Purchaser: N/A

Present Zoning: D.R. 3.5
* Within the Chesapeake Bay Critical Area (LDA & IDA)

REQUESTED RELIEF:

A Special Hearing to establish:

- the existence of three (3) buildable lots;
- the compliance of the three (3) buildable lots and the proposed common right of way for ingress, egress and utility service comply with the applicable Baltimore County Zoning Regulations; and
- the modification of said lots, all as shown on the Plat to accompany this Petition.

JUSTIFICATION

- the lots were created before the enactment of zoning regulations in Baltimore County;
- the construction of single family dwellings on the lots is permitted as of right; and
- the requested modification does not affect the lots' nonconforming status.

FOR ADDITIONAL INFORMATION CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801

CBCA



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Back River Neck Rd., 1210' +/- NW
Pottery Farm Rd. which is presently zoned D.R. 3.5

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

SEE ATTACHED

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:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr., Esquire

(Type or Print Name)

Signature

305 W. Chesapeake Avenue
Suite 113 (410) 321-0600

Address Phone No.

Towson, Maryland 21204

City

State

Zipcode

Legal Owner(s):

Fitzpatrick Realty, Inc.

(Type or Print Name)

Signature

Kevin Fitzpatrick, President

(Type or Print Name)

Signature

7 Apple Valley Ct. (410) 329-6911

Address

Phone No.

Parkton, Maryland 21120-9045

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.

Name 305 W. Chesapeake Avenue

Address Suite 113 (410) 321-0600

Towson, Maryland 21204

Address

Phone No.

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: CAM

DATE 15 June 98

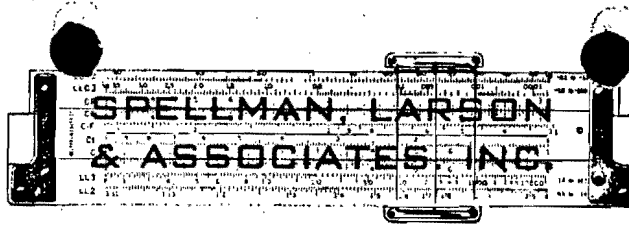
98-483-SPH

483

ORDER RECEIVED FOR FILING

Date

By



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

DESCRIPTION FOR
A SPECIAL HEARING
EBERSBERGER PROPERTY, BACK RIVER NECK ROAD
FIFTEENTH DISTRICT, BALTIMORE COUNTY, MARYLAND.

Beginning for the same at a point in the center of Back River Neck Road at the distance of 1210 ft, more or less, measured northwesterly along the center of Back River Neck Road from Pottery Farm Road and running thence and binding on the center of Back River Neck Road North 21 degrees 30 minutes west 227 ft. thence leaving the center of Back River Neck Road and running south 85 degrees 40 minutes east 1883 ft. south 34 degrees 24 minutes west 150 ft. and north 88 degrees 12 minutes west 1710.5 ft. to the place of beginning.

Containing 7.50 acres of land more or less.

4/28/98



98-483-SPH

483

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056162

DATE 15 June 98 ACCOUNT R-001-6150

483
CAM AMOUNT \$ 150.00

RECEIVED FROM: FITZPATRICK REALTY

FOR: 3 Nonconforming lots

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME

6/15/1998 6/15/1998 10:04:28

REF US04 CASHIER KMCM KXM DRAWER 4

5 MISCELLANEOUS CASH RECEIPT

Receipt # 053772

OFLN

CR NO. 056162

150.00 CHECK

Baltimore County, Maryland

98-483-SPH

CASHIER'S VALIDATION

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: #98-483-SPH
centerline Back River Neck Rd,
12101 NW Pottery Farm Rd.
15th Election District
5th Councilmanic District
Legal Owner(s):

Fitzpatrick Realty, Inc.

Special Hearing: to establish the existence of three nonconforming buildable lots; to approve the exemption of said lots from Baltimore County zoning regulations because of their nonconforming status; and to approve the modification of said lots as shown on the plat.

Hearing: Monday, July 27, 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.

7/9 July 9 c242033

TOWSON, MD.,

July 9, 1998

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 July 9, 1998.

THE JEFFERSONIAN.

A. Henrichson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case No. 98-483-SPHPetitioner/Developer: FITEPATRICK REALTY, ETAL
% LEVIN; GANN - SCOTT PORTER ESQ.Date of Hearing/Closing: 7/27/98
9 AM
RM 407
CCBBaltimore 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 BACK RIVER NECK RD.
@ 1210' NW POTTERY FARM RD.The sign(s) were posted on 7/10/98
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 7/20/98
(Signature of Sign Poster and Date)Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

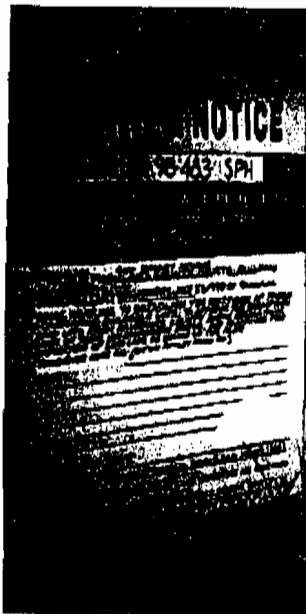
(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

Page: (410)905-8571

Post-It® Fax Note	7871	Date	# of pages ▶ 4
To <u>L. SCHMIDT</u>	From <u>P.M. O'KEEFE</u>		
Co./Dept. <u>ZONING COMM.</u>	Co.		
Phone # <u>410-887-4386</u>	Phone # <u>410-905-8571</u>		
Fax # <u>410-887-3468</u>	Fax # <u>410-666-5366</u>		



98-483-SPH

CERTIFICATE OF POSTING

RE: Case No.: 98-483 SPH

Petitioner/Developer: _____

FITZPATRICK REALTY

Date of Hearing/Closing: _____

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

~~REDACTED~~

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 _____

BACK RIVER NECK RD & SOUTHEAST BLVD (RT 702)

The sign(s) were posted on 11/18/98
(Month, Day, Year)

Sincerely,

Gary C. Freund 11/18/98
(Signature of Sign Poster and Date)

GARY C. FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

Remand
PLEASE place
posting cert.
in
98-483-SPH

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.: 98-483-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to establish the existence
of 3 Nonconforming, buildable lots; the exemption of said
lots from Baltimore County Zoning Regulations Section 102.4
because of their nonconforming status; and the modification
of said lots as shown on the Plat to accompany this
Petition.

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: 98-483-SPH

Petitioner: Fitzpatrick Realty, Inc.

Address or Location: Back River Neck Road, 1210' +/- NW Pottery Farm Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Howard L. Alderman, Jr., Esquire

305 West Chesapeake Avenue

Address: Suite 113

Towson, Maryland 21204

Telephone Number: 410-321-0600

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
July 9, 1998 Issue - Jeffersonian

Please forward billing to:

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue
Suite 113
Towson, MD 21204

410-321-0600

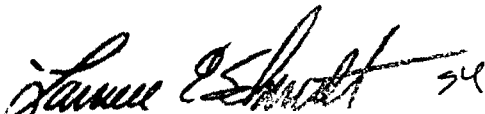
NOTICE OF ZONING HEARING

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: 98-483-SPH
centerline Back River Neck Road, 1210' NW Pottery Farm Road
15th Election District - 5th Councilmanic District
Legal Owner: Fitzpatrick Realty, Inc.

Special Hearing to establish the existence of three nonconforming buildable lots; to approve the exemption of said lots from Baltimore County zoning regulations because of their nonconforming status; and to approve the modification of said lots as shown on the plat.

HEARING: Monday, July 27, 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

June 25, 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: 98-483-SPH
centerline Back River Neck Road, 1210' NW Pottery Farm Road
15th Election District - 5th Councilmanic District
Legal Owner: Fitzpatrick Realty, Inc.

Special Hearing to establish the existence of three nonconforming buildable lots; to approve the exemption of said lots from Baltimore County zoning regulations because of their nonconforming status; and to approve the modification of said lots as shown on the plat.

HEARING: Monday, July 27, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

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

Arnold Jablon
Director

c: Fitzpatrick Realty, Inc.
Howard L. Alderman, Jr., Esquire

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 12, 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.





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

December 4, 1998

NOTICE OF ASSIGNMENT /Motion for Remand

CASE #: 98-483-SPH

IN THE MATTER OF: FITZPATRICK REALTY, INC.X
Parcel 76 of Former Ebersberger Property
15th E; 5th C

(Petition for Special Hearing GRANTED by DZC
8/26/98.)

has been specially set for a hearing on a Motion for Remand to the Zoning
Commissioner; and has been

ASSIGNED FOR: WEDNESDAY, DECEMBER 9, 1998 at 9:30 a.m.

NOTICE: This matter has been scheduled for a hearing on the Motion for Remand only; no
evidence or testimony to be received as to the merits of the variance request.

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 : Peter Max Zimmerman, People's Counsel
for Baltimore County
Carole S. Demilio, Deputy People's
Counsel

Counsel for Petitioner : Howard L. Alderman, Jr., Esquire
Robert Porter, Esquire
Petitioner : Mr. Kevin Fitzpatrick, President
Fitzpatrick Realty, Inc.

Mr. Carl Maynard, President
Back River Neck Community Association

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
J. Thompson /Code Enforcement Supervisor
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
pdmlandacq@co.ba.md.us

December 22, 1998

Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number 98-483-SPH, Back River Neck Road

The above matter, which was remanded from the County Board of Appeals of Baltimore County to the Deputy Zoning Commissioner, has been scheduled for Wednesday, January 13, 1999 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue.

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 dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:scj

c: Robert Porter, Esquire
Fitzpatrick Realty, Inc.
Back River Neck Peninsula Community Association
Spellman & Larson
People's Counsel

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

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

July 23, 1998

Howard L. Alderman, Jr., Esq.
Levin & Gann
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

RE: Item No.: 483
Case No.: 98-483-SPH
Location: Back River Neck
Road, 1210'+/- NW Pottery Farm
Road

Dear Mr. Alderman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on June 17, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs
Enclosures





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

July 10, 1998

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 29, 1998

Item No.: 483, 485, 486 AND 487

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

483, 485, 486, AND 487

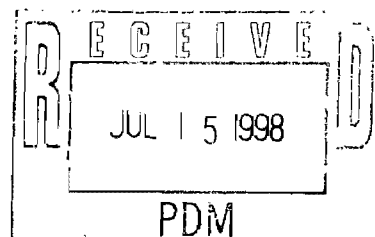
REVIEWER: LT. ROBERT P. SAUERWALD

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

cc: File



Printed with Soybean Ink
on Recycled Paper



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

DATE: July 7, 1998

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

SUBJECT: Back River Neck Road, 1210' Northwest of Pottery Farm Road

INFORMATION

Item Number: 483

Petitioner: Fitzpatrick Realty, Inc.

Zoning: DR 3.5

Requested Action: Special Hearing

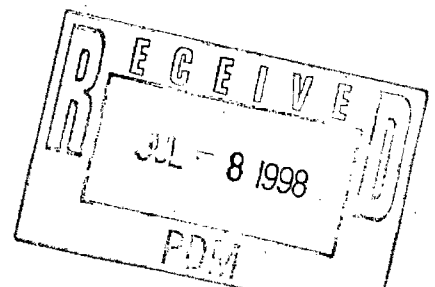
Summary of Recommendations:

Clear means of access should be shown for all lots should the applicant's request be granted.

Section Chief:

Jeffrey W. Long

AFK/JL



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

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: July 6, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
 for July 6, 1998
 Item No. 483

The Development Plans Review Division has reviewed the subject zoning item.

Advisory - Section 22-85 (d) In any D.R. Zone, the panhandle length shall not exceed 500 feet. Notwithstanding the provisions of Section 22 -43, this requirement shall not be waived.

RWB:HJO:cab

cc: File

ZONE0706.483

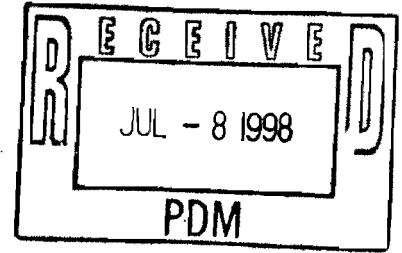
Due Date: 7/6/98

TO: Arnold Jablon

FROM: R. Bruce Seeley *Q125/40*

SUBJECT: Zoning Item #483

Fitzpatrick Property, Back River Neck Road



Zoning Advisory Committee Meeting of 6/29/98

- 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:
 - X 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).
 - X Development of this property must comply with the Forest Conservation Regulations (Section 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 The property is partially CBCA and partially non-CBCA.



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 6-25-94
Item No. 483 CAM

Dear Ms. Stephens:

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

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

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

Tom 7/27

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

DATE: July 7, 1998

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

SUBJECT: Back River Neck Road, 1210' Northwest of Pottery Farm Road

INFORMATION

Item Number: 483

Petitioner: Fitzpatrick Realty, Inc.

Zoning: DR 3.5

Requested Action: Special Hearing

Summary of Recommendations:

Clear means of access should be shown for all lots should the applicant's request be granted.

Section Chief: Jeffrey W. Long
AFK/JL

RE: PETITION FOR SPECIAL HEARING
Centerline Back River Neck Road, 1210' NW Pottery
Farm Road, 15th Election District, 5th Councilmanic

Legal Owners: Fitzpatrick Realty, Inc.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 98-483-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 13th day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

September 15, 1998

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

Dear Mr. Alderman:

RE: Petition for Special Hearing, Case No.: 98-483-SPH, Back River Neck Road,
1210' +/- NW Pottery Farm Road, District: 15c5, Fitzpatrick Realty, Inc.- Petitioner

Please be advised that an appeal of the above referenced case was filed in this
office on September 11, 1998 by Peter Max Zimmerman and Carole S. Demilio on
behalf of the 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
the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:rye

c: Mr. Carl Maynard
People's Counsel

RECEIVED
COUNTY BOARD OF APPEALS
98 SEP 17 PM 2:50

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

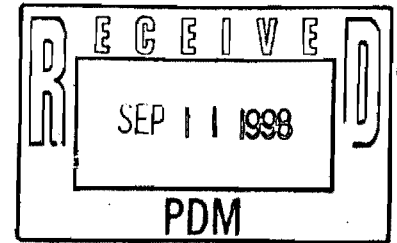


Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188



PETER MAX ZIMMERMAN
People's Counsel

September 11, 1998

CAROLE S. DEMILIO
Deputy People's Counsel

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

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
Centerline Back River Neck Road,
1210' NW of Pottery Farm Road
15th Election Dist., 5th Councilmanic
FITZPATRICK REALTY, INC., Petitioners
Case No. 98-483-SPH

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Finding of Fact and Conclusions of Law dated August 26, 1998 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

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

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Robert Porter, Esq. and Howard L. Alderman, Jr., Esq., Levin & Gann, 305 W. Chesapeake Avenue,
Suite 113, Towson, MD 21204, Attorneys for Petitioners

Carl Maynard, Back River Neck Peninsula Community Assn., P.O. Box 16754, Baltimore, MD 21221

APPEAL

Petition for Special Hearing
NE/S Back River Neck Road, 1210' N of Pottery Farm Road
(Parcel 76 of the Former Ebersberger Property)
15th Election District - 5th Councilmanic District
Fitzpatrick Realty, Inc. - Petitioner
Case Number: 98-483-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certification of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners Sign-In Sheet

Petitioners' Exhibits:

- 1 - Plat to Accompany Petition for Special Hearing
- 2 - Maryland Department of Assessments and Taxation Real Property System
- 3A-C - Three Tax Maps
- 4A-F - Assessment Recordation
- 5A-C - Tax Bills
- 6A-B - Real Estate Information

Letter from Robert D. Porter, Esquire, to Timothy M. Kotroco, Deputy Zoning Commissioner, dated July 28, 1998

Letter from Carl Maynard, President of Back River Neck Peninsula Community Association, to Baltimore County Zoning Commissioner, dated August 7, 1998

Deputy Zoning Commissioner's Order dated August 26, 1998 (Granted)

Notice of Appeal received on September 11, 1998 from Peter Max Zimmerman and Carole S. Demilio on behalf of the People's Counsel

c: Robert Porter, Esquire and Howard L. Alderman, Jr., Esquire, Levin & Gann, 305 W. Chesapeake Avenue, Towson, MD 21204
Mr. Kevin Fitzpatrick, President, Fitzpatrick Realty, Inc., 7 Apple Valley Court, Parkton, MD 21120-9045
Mr. Carl Maynard, President, Back River Neck Peninsula Comm. Assoc., P. O. Box 16754, Baltimore, MD 21221
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

12/04/98 -Notice of Assignment for hearing on Motion to Remand scheduled for Wednesday, December 9, 1998 at 9:30 a.m. sent to following:

Peter Max Zimmerman, People's Counsel
for Baltimore County
Carole S. Demilio, Deputy People's
Counsel
Howard L. Alderman, Jr., Esquire
Robert Porter, Esquire
Mr. Kevin Fitzpatrick, President
Fitzpatrick Realty, Inc.
Mr. Carl Maynard, President
Back River Neck Community Association
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
J. Thompson /Code Enforcement Supervisor
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

12/08/98 -Joint Motion to Remand to the Deputy Zoning Commissioner filed by Robert D. Porter, Howard Alderman and LEVIN & GANN on behalf of Fitzpatrick Realty, Petitioner, and by People's Counsel, Appellant; Proposed Order also filed for Board's review. Motion to be argued on the record 12/09/98 as scheduled above.

12/09/98 -Joint Motin granted; Order to be issued by CBA remanding this matter to the Deputy Zoning Commissioner pursuant to the joint request of Appellant (People's Counsel /Peter Zimmerman) and Petitioner (Fitzpatrick Realty) through its counsel, Howard Alderman. (L.M.S.)

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

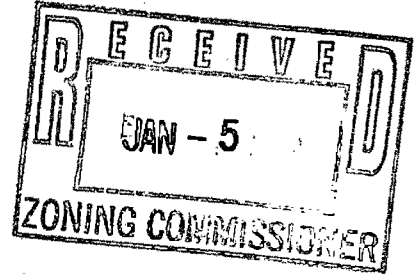
Inter-Office Correspondence

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

DATE: December 21, 1998

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

SUBJECT: Fitzpatrick Realty, Inc.
 Case No. 98-483-SPH



Pursuant to the Remand Order issued by the Board on December 16, 1998, we are hereby returning the subject file to you to be forwarded to the Deputy Zoning Commissioner for his further consideration as required.

Should you have any questions, please call me at ext. #3180..

Attachment (File and Exhibits - Case No. 98-483-SPH --
 Fitzpatrick Realty, Inc.)

c: Docket Clerk
 Kevin Fitzpatrick, Pres.
 Fitzpatrick Realty, Inc.
 Robert Porter, Esquire
 Carl Maynard, Pres.
 Back River Neck Comm. Assoc.
 Peter Max Zimmerman /People's Counsel
 for Baltimore County
 Timothy Kotroco, Deputy Zoning Commissioner

BACK RIVER NECK
PENINSULA
COMMUNITY ASSOCIATION

SINCE 1983

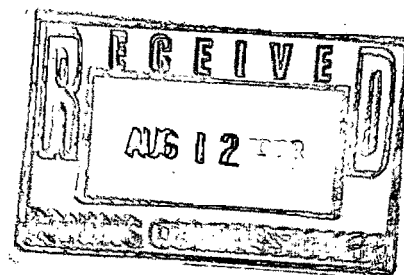
P.O. Box 16754, Baltimore, Maryland 21221

August 7, 1998

Baltimore County Zoning Commissioner
Towson, MD. 21204

Case # 98-483

Dear Commissioner,



We send this letter in response to a petition for a special hearing which was filed by Howard L. Alderman, Jr. Esquire on behalf of Fitzpatrick Realty concerning the property located on Back River Neck Rd., 1210' +/-NW of Pottery Farm Rd.

The Back River Neck Peninsula Community Association, Inc. would like to go on record as being opposed to the nonconforming use, and exemption from Zoning regulations. We take this action for the same reasons as listed in our comments on previous matters appearing before the Commissioner re: the Dicker son property on Holly Neck Rd. and River Rd. in Cedar Beach.

In addition we add the following comments. The present DR 3.5 zoning of the property does not support the proposed development, and we believe that the property owners have not provided proper burden of proof that the lots existed prior to the adoption of Baltimore County Zoning Regulations. We also question the statement listed under justification in the application saying that construction of the development is permitted as a matter of right in this case.

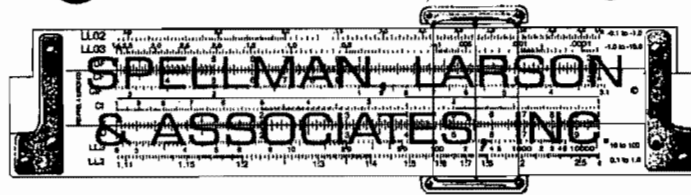
We thank you for your consideration in this matter.

Respectfully,

Carl Maynard

Carl Maynard, President

BRNPCA



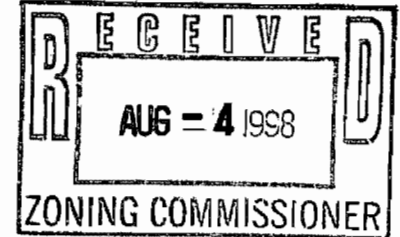
ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

SUITE 406 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / (410) 823-3539
FAX (410) 825-5215

July 31, 1998

Mr. Timothy Kotroco, Deputy Zoning
Commissioner
Zoning Commissioners Office
Baltimore County



"HAND DELIVERED"

RE: Case No. 98-483 SPH
Back River Neck Road
Fitzpatrick Realty Property
Job No. 97048

Dear Mr. Kotroco:

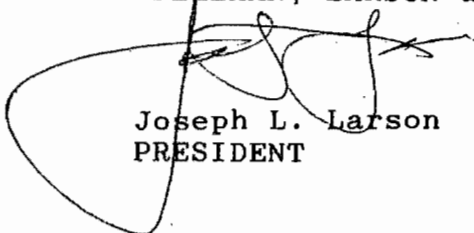
In accordance with your instructions dictated at the Zoning Hearing for the above-captioned property on Monday July 27, 1998 I am submitting to you, herewith, one modified copy of the Plat To Accompany Petition for Special Hearing which has been amended to show proper and legal access to the two 15,000 sq. ft. lots in question.

Prior to making the revisions on the attached Plans I reviewed the access concept with Mr. Herb Oberc, Project Engineer, with the Development Plans Review Section of the Department of Permits and Development Management. Mr. Oberc approved this driveway access and agreed that the easement as shown would be an acceptable means of access to the property.

Should you have any questions or need any additional information from this office with regard to the attached Plat please feel free to contact me at any time.

Very truly yours,

SPELLMAN, LARSON & ASSOC.


Joseph L. Larson
PRESIDENT

cc:Kevin Fitzpatrick
Rob Porter

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
SUITE 113
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

Robert D. Porter

July 28, 1998

Hand Delivered

Timothy M. Kotroco,
Deputy Zoning Commissioner
County Courts Building
Fourth Floor
401 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Fitzpatrick Realty Company
Case No.: 98-483-SPH

Dear Mr. Kotroco:

Following yesterday morning's hearing on the above-referenced matter, Joe Larson advised me that he planned to prepare and submit a revised Plat in accordance with your direction on the afternoon of July 27, 1998.

The revised Plat will show a private easement area from Back River Neck Road through the unmodified lot to the two (2) modified lots and to the rear of the unmodified lot. As stated at the hearing, the easement area will allow for access to each of the residential dwellings that are proposed to be built on the respective lots.

During the hearing, Mr. Fitzpatrick and Mr. Larson stated that Fitzpatrick Realty Company presently is investigating the possibility of obtaining access to the subject property from Pottery Farm Road through an adjoining parcel. I am writing to correct the record insofar as Fitzpatrick Realty is seeking access from Turkey Point Road, as opposed to Pottery Farm Road. As shown on the Plat, Turkey Point Road is the nearest means of access; while Pottery Farm Road is the point of beginning in the description of the subject property.

I am writing to confirm that, if such access to the subject property from Turkey Point Road becomes available, Fitzpatrick Realty Company will be able to utilize such access under the approval in this case without the necessity of an additional Special Hearing. If access from Turkey Point Road becomes available, Fitzpatrick Realty Company will submit a supplemental drawing to show such access in accordance with your direction at yesterday morning's hearing and in accordance with the spirit and intent of the forthcoming Order.

LEVIN & GANN, P. A.

Timothy M. Kotroco,
Deputy Zoning Commissioner
July 28, 1998
Page 2

Thank you for your consideration; it was a pleasure to appear before you yesterday morning, and I look forward to similarly pleasant appearances in the future.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert D. Porter". The signature is fluid and cursive, with the first name "Robert" and last name "Porter" clearly distinguishable.

Robert D. Porter

cc: Mr. Kevin Fitzpatrick
Mr. Joe Larson

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

ROBERT D. PORTER

9680.02

March 2, 1999

By Hand Delivery

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
County Courts Building - 4th Floor
401 Bosley Avenue
Towson, Maryland 21204

RE: Case No.: 98-483-SPH
Fitzpatrick Realty, Inc., Petitioner

Dear Mr. Kotroco:

In accordance with your decision at the January 13, 1999 hearing on the above-referenced matter, I enclose herewith proposed Findings of Fact and Conclusions of Law on Remand in both paper and digital format.

I apologize for the delay in providing the proposed decision. The Office of People's Counsel has been involved in both this case and in the preparation of a mutually-acceptable decision. By telephone conversation on Friday, February 26, 1999, Peter M. Zimmerman, Esquire advised that, having reviewed the enclosed decision, his Office has no objections to either the form or the substance thereof.

Thank you for your patience as the parties hereto resolved their differences. If I may provide additional information regarding this matter, please do not hesitate to contact me.

Very truly yours,



Robert D. Porter

Enclosures

cc: Mr. Kevin Fitzpatrick
Peter M. Zimmerman, Esquire

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

3/18/99

ELLIS LEVIN (1893-1960)

File
3/22/99 uca

ROBERT D. PORTER

9680.02

March 18, 1999

By Hand Delivery

Arnold Jablon, Director
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Fitzpatrick Realty, Inc.
Petition for Special Hearing
Case No. 98-483-SPH

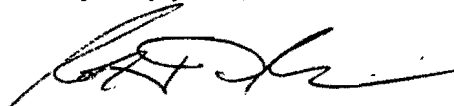
Dear Mr. Jablon:

Enclosed herewith you will find a copy of the Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law on Remand and a copy of the revised Plat to accompany the above-referenced Petition.

As you will see, the Deputy Zoning Commissioner conditioned his approval of the Petition for Special Hearing on certain conditions, including conditions that the Petitioner revise the Plat and submit copies of the revised plat and of the decision to your Department. The enclosed materials are submitted in accordance with the conditions of approval, and I respectfully request that they be included in your Department's file for the subject Petition.

Thank you for your attention to this matter.

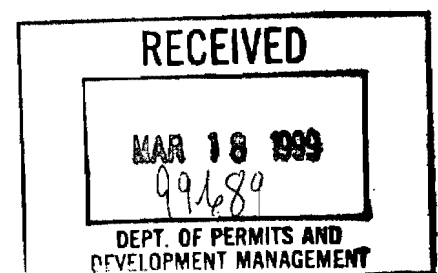
Very truly yours,



Robert D. Porter

Enclosures

cc: Timothy M. Kotroco, Deputy Zoning Commissioner
Mr. Kevin Fitzpatrick
Howard L. Alderman, Jr., Esquire
Peter M. Zimmerman, Esquire



File

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

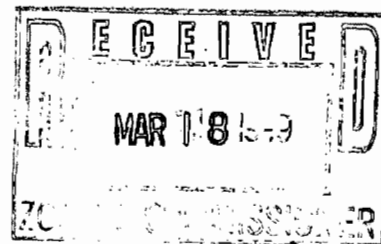
ROBERT D. PORTER

9680.02

March 18, 1999

By Hand Delivery

The Honorable Timothy M. Kotroco,
Deputy Zoning Commissioner for
Baltimore County
County Courts Building
Fourth Floor
Towson, Maryland 21204



RE: Petition for Special Hearing
Fitzpatrick Realty, Inc.
Case No. 98-483-SPH

Dear Mr. Kotroco:

Enclosed herewith in accordance with Condition No. 3 of your Findings of Fact and Conclusions of Law on Remand dated March 5, 1999, please find a copy of the revised Plat to accompany the above-referenced Petition for Special Hearing. Please note that the Plat recites the conditions of your decision and includes a notation within the 30 foot right of way that it is "open to public use".

A copy of the Plat and of your decision will be delivered by hand to the Department of Permits and Development Management today, as required by your decision. Thank you for your continued attention to this matter.

Very truly yours,

Robert D. Porter

Enclosure

cc: Mr. Kevin Fitzpatrick
Howard L. Alderman, Jr., Esquire
Peter M. Zimmerman, Esquire
Arnold Jablon, Director, PADM

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ROBERT BORTER

305 W. CHESAPEAKE AVE. TOWSON 21204

KEVIN FITZPATRICK

7 APPLE VALLEY CT PARKTON MD 21120

JOSEPH LARSON

105 W. Chesapeake Ave Towson

Howard L Alderman Jr

305 W. Chesapeake Ave #113 Towson 21204



MARYLAND DEPARTMENT OF ASSESSMENT AND TAXATION
REAL PROPERTY SYSTEM

07/24/1998

ENTER LINE NO.	N A M E	SELECTION/SEQUENCE ACCOUNT NO.	BALTIMORE COUNTY OWNER NAME STREET LOCATION	PAGE OWN OCC MAP	1 OF PAR	1 LOT
1)	FITZPATRICK REALTY	15 1505100024	TURKEY POINT RD	N 98	75	
2)	FITZPATRICK REALTY	15 1505100028	BACK RIVER NECK RD	N 98	76	
3)	FITZPATRICK REALTY	15 1505100034	BACK RIVER NECK RD	N 98	76	
4)	FITZPATRICK REALTY	15 1505100035	BACK RIVER NECK RD	N 98	76	

PRESS: <ENTER>

<F3> SELECT NEXT PROPERTY

PETITIONER'S
EXHIBIT 2

CERTIFIED TRUE COPY

Janet F. Rogers 7/24/98
C-13

G ADOLPH EBERSBERGER

OWNER'S NAME AND ADDRESS

ACCOUNT NUMBER

DIST.

MAP

BLOCK

PARCEL

TRANSFER TAXOLD ACCOUNT

100034

15

98

13

76

10064

CHANGE OF ADDRESS

c/o Equitable Trust Co.

Trust Real Estate Dept.

219 E. Fayette St. Baltimore Md. 21202

P.O. Box 1556 Baltimore MD. 21203 7-27-71

FRONT

150

E

SIDE OF

Back River Neck Rd. &

Turkey Point Rd. Adj. 6.82 acres

LOT ES
BACK RIVER NECK RD

LOT BLOCK WING PLAT DOCK OLD

SIZE OF LOT

100 x 150

HOUSE NUMBER

ASSESSMENT YEAR 1968-69 1971-72 YEAR 1974-75 1974-75 YEAR

LAND 600 900 1350 1125

IMPROVEMENTS

TOTAL 600 900 1350 1125

ASSESSMENT CHANGE S2 12-30-70 5-14-74 5-27-74

ASSESSMENT CHANGE S3 9547 2-10-76 630984

ASSESSMENT IN DISTRICT 600 900 1350 1125

IMPROVEMENTS ITEMIZED

METROPOLITAN CHARGES

1968-69

SEWER BENEFITS

SEWER SERVICE

WATER BENEFITS

WATER DISTRIBUTION

AUTHORITY

OTHER CHARGES

AUTHORITY

RESIDENTIAL

TRANSFERRED FROM

DATE

GROUND RENT

STATE TAX

TRANSFER NO.

DEED REFERENCE

DATE

TRANSFERRED TO

DATE

TRANSFER NUMBER

DATE

REMARKS:

PETITIONER'S
EXHIBIT 4

ASSESSMENT RECORDATION - BALTIMORE COUNTY, MARYLAND

EXHIBIT

B

G ADOLPH EBERSBERGER

OWNER'S NAME AND ADDRESS

BACK RIVER NECK RD. E.
CAPE MAY RD.
BALTIMORE 21 41

ACCOUNT NUMBER

DIST.

MAP

BLOCK

PARCEL

TRANSFER TAXOLD ACCOUNT

100035

15

98

13

76

10066

CHANGE OF ADDRESS

The Equitable Trust Co. P.O. Box 1556
Baltimore, Md. 21203
9-27-71

Trust. Regd. Real Estate Bkfst
2-24-69

Murray Bldg. Bkfst. Md. 21202

2098 Fayette St. Baltimore 21202

FRONTS

100

FL ON

E

SIDE OF

Back River Neck Rd. Adj.

6.82 acres

LOT ES BACK RIVER NK RD

LOT

BLOCK

SECTION

PLAT

BOOK

FOLIO

SIZE OF LOT

100 x 150

HOUSE NUMBER

ASSESSMENT	YEAR	YEAR	YEAR	YEAR	YEAR
	1968-69	1971-72	1974-75	1974-75	

LAND	725	900	1350	1125	
------	-----	-----	------	------	--

IMPROVEMENTS					
--------------	--	--	--	--	--

TOTAL	725	900	1350	1125	
-------	-----	-----	------	------	--

ASSESSMENT CHANGE S2	12-30-70	13-14-71	3-22-74		
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ASSESSMENT CHANGE S3	12-30-70	13-14-71	3-22-74		
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ASSESSMENT IN DISTRICT	725	900	1350	1125	
------------------------	-----	-----	------	------	--

IMPROVEMENTS ITEMIZED					
-----------------------	--	--	--	--	--

EXECUTIVE ORDER

METROPOLITAN CHARGES

1968-69

SEWER BENEFITS

SEWER SERVICE

WATER BENEFITS

WATER DISTRIBUTION

AUTHORITY

OTHER CHARGES

AUTHORITY

RESIDENTIAL

TRANSFERRED FROM

DATE

GROUND RENT

STATE TAX

TRANSFER NO.

DEED REFERENCE

DATE

TRANSFERRED TO

DATE

TRANSFER NUMBER

DATE

REMARKS

ASSESSMENT RECORDATION - BALTIMORE COUNTY, MARYLAND

EXHIBIT

D

G. ADOLPH EBERSBERGER

OWNER'S NAME AND ADDRESS

ACCOUNT NUMBER

DIST.

MAP

BLOCK

PARCEL

TRANSFER TAX OLD ACCOUNT

100028

15

98

13

76'

10058

CHANGE OF ADDRESS

c/o Equitable Trust Co.

Trust Real Estate Dept.

c/o E. Fayette St. Baltimore Md. 21203

P.O. Box 1556 Baltimore MD. 21203 8-27-71

FRONTS

FT ON E

SIDE OF

Back River Neck Rd. cor.

Cape May Rd.

METROPOLITAN CHARGES

1968-69

SEWER BENEFITS

SEWER SERVICE

WATER BENEFITS

49.94

WATER DISTRIBUTION

AUTHORITY

OTHER CHARGES

AUTHORITY

RESIDENTIAL

TRANSFERRED FROM

DATE

GROUND RENT

STATE TAX

TRANSFER NO.

DEED REFERENCE

DATE

596-317

TRANSFERRED TO

DATE

TRANSFER NUMBER

DATE

REMARKS

6 E. PART ACRES
ES BACK RIVER NECK RD

LOT BLOCK PLAT BOOK FOLIO

SIZE OF LOT 6.52 acres

HOUSE NUMBER

ASSESSMENT 1968-69

LAND 680

IMPROVEMENTS

TOTAL 680

ASSESSMENT CHANGE S2

ASSESSMENT CHANGE S3

ASSESSMENT IN DISTRICT 680

IMPROVEMENTS ITEMIZED

SEE SUPPLEMENTARY SHEET

ASSESSMENT RECORDATION - BALTIMORE COUNTY, MARYLAND

98-76-13

~~TIDEBELVER, GUSTAV A.~~ 486/544
 Ebersberger Margaret M. D.F. 5650-279

Total

(7.54)

6 P+Ac. E/S Back River Neck Rd. Cape May Rd

Lt E/S Back River Neck Rd 1200' S/E - 15-05-100028

Lt E/S BACK RIVER Neck Rd. Back River Neck Rd 15-05-100034

Balto. Co. Dept of Assess.

Roll #5

Book #21 15-04-501210 - 15-04-501970

Book #29 15-06-570000 - 15-06-570660

1968 to 1974

15th Dist

G & BACK RIVER NECK

RD 173 NW FR NW/COE

CALLINA MILES CD

N $21\frac{1}{2}^{\circ}$ W 227'

S $85^{\circ}40'$ E 1883'

S $34^{\circ}24'$ W 150'

N $88^{\circ}12'$ W $1710\frac{1}{2}'$ to

7.5 A^T

S/A 516/139

HORACE A. ADAMS

FL

LIZZIE / DOUGLAS

TAX PAYER'S COPY

Payment of this bill for current taxes will not prevent legal action if taxes are unpaid for other years.
Failure to receive a bill is no excuse for not paying taxes, interest or penalty.
Please return this tax levy (all copies) with your remittance.
Receipt will be returned to you.

TO COUNTY COMMISSIONERS OF BALTIMORE COUNTY, DR.
STATE AND COUNTY TAXES

MAKE CHECKS PAYABLE TO:

CHARLES L. HAMMOND, Collector
Court House, Towson 4, Md.

1948
LEVY

NAME AND ADDRESS													Leg	ASSESSMENT	STATE TAX		COUNTY TAX		la	TOTAL TAX
G ADOLPH EBERSBERGER BACK RIVER NECK ROAD BALTIMORE 21 MD 6.1 PART ACRES ES BACK RIVER NECK ROA													RP	410		46		685	RP	731
													AV	410					AV	12
15 5 408																				
District Account No.													▼ LEGEND ▼		ITEM	DISCOUNT	INTEREST	A TOTAL TAX A		
HAVE YOU CHANGED YOUR MAILING ADDRESS? If so please notify this office at once.													R. P.-Real Property		County					
													P. P.-Personal Property		County			DISCOUNT OR INTEREST		
															State					
															State	NONE		TOTAL NET TAX After Discount or Interest		
															P. P. Tax					
															Ad Valorem Tax	NONE		DISCOUNT OR INTEREST		
															S.F.-Sewer Front Foot	NONE				
															S.S.-Sewer Service	NONE				
															W.F.-Water Front Foot	NONE				
															S.C.-Sewer Connection	NONE				
															T.B.-Township Sewer Benefits	NONE		TOTAL NET TAX After Discount or Interest		
															T.S.-Township Sewer Service	NONE				

TAX PAYER'S COPY

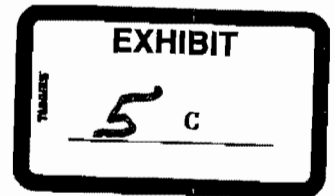
Payment of this bill for current taxes will not prevent legal action if taxes are unpaid for other years.
Failure to receive a bill is no excuse for not paying taxes, interest or penalty.
Please return this tax levy (all copies) with your remittance.
Receipt will be returned to you.

TO COUNTY COMMISSIONERS OF BALTIMORE COUNTY, DR.
STATE AND COUNTY TAXES

MAKE CHECKS PAYABLE TO:
CHARLES L. HAMMOND, Collector
Court House, Towson 4, Md.

1948
LEVY

</



**COLONEL ROBERT C. EBERSBERGER
U.S. ARMY - RETIRED
9977 TREASURE CAY LANE
BONITA SPRINGS, FL. 34135**

March 23, 1998

**Kevin Fitzpatrick
7 Apple Valley Court
Parkton, Md. 21120**

Dear Mr. Fitzpatrick:

Per our conversation of 3/19/98, enclosed you will find four (4) tax bills from 1948. These are the oldest tax bills that I have. I believe these bills cover the property I sold you on 12/31/97.

You will note that the account numbers are different than the account numbers currently in use. If my memory is correct, Baltimore County went to the current series in the mid 60's. The County should have a "transition list" to correlate these bills with the current tax bills.

Sincerely.

Robert C. Ebersberger

EXHIBIT

6 A

CERTIFIED TRUE COPY

BY AP DeeringDATE 4/5/98

PETITIONER'S EXHIBIT 6

Mrs. L. Eberius
 222 River View Ave. Dundalk (325)
 1970 541 Lot 1 Seneca Park Beach
 1 50' on W. S. Hughes Blvd. beg 525' S of
 1 Lower Lane running S. (50' x 200')
 541 Lot 101 Seneca Park Beach
 1 50' on W. S. Hughes Blvd. beg 500' S of
 1 Lower Lane running N. (50' x 200')
 1 House 400

G. Adolph Christensen Back River Neck & Cape May Rd
 Homewood Run Md. Baltimore, Md.
 3 1/2 Acres Back River Neck Rd & Turkey
 Point Rd S.E. cor. @ 1163

House 600

Garage 60

9 1/2 Acres on W. S. Back River Neck Rd cor
 Turkey Point Rd @ 105

4 1/2 Acres S. S. Cape May Rd. about 1/2 mi
 E of Back River Neck Rd. @ 95

House 200

Lots 8 & 9. Corner (5 1/2 Acres) Belk H. Sect B.
 470' on W. S. Franklin Ave. beg 470' S of
 1/2 Corner Ave running E (470' x 712' 67' running)

3 Acres S. S. Back River Neck Rd. "Horse a' adams"
 Wooded 3 A @ 60 150

20 Acres on S. S. Kelly Rd. about 1/2 mi E of
 Back River Neck Rd.

Wooded 20 A @ 110 800

Black 200

3 1/2 Acres S. S. Back River Neck Rd. Adj. Mt. Church
 Tallah. 1 1/2 A. @ 300 450

Dwelling 400

Garage 100

2 Acres W. S. Back River Neck Rd. off Turkey Pt Rd.
 2 A @ 150 300

Dwelling 400

Garage 50

6 1/2 Acres E. S. Back River Neck Rd. S. of Turkey Pt Rd.
 Wooded 6 1/2 A @ 60 450

9804-505

Storage House 1190

W. C. B. 100

Bee v. D. Melling 609

70 Gen. Brackburn Rd. 111 Cape May Ave

1700 Green Street, New York, N.Y.

57 Corp. May 20.

Evening 100

George 1.00

4. Amount to be paid back to the bank

[Faint handwritten notes at the bottom of the page]

[Faint handwritten notes at the bottom of the page]

100

M. J. L. H. B. L. & Back Room, Ltd.

1890

8. 1/2 mile. Mouth above to the N. of Rock River R.R. Rd.

100 x 100 mm. 100 x 100 mm. 100 x 100 mm.

14. 1900. Height 50 m. Y. L. Branch River, Cal. 8

36. *Perilissus*

500.00 2.00

Feb 1885 150 ady 6 Wood Duck ady 7 Golden E. S.

Black River, Ark. Post & Telegraph Co. Post

4th, Back River Nk. Rd. (50'x150')

outs 50' W. S. Back River Nk. Rd. adg John Goff

House 600 A. Purogno

4-2 Back River Hk. Rd. (50' x 150')

fronts 50' W.S. Back River N.E. Rd. Gov. Walnut Grove Rd

House 600 A. Cissano 11-6

#3 Back River Truck Rd. (50' x 50') ady. J. Toff. H. 125549 NO

7th if Back River/Hk Rd. (50 x 150)

fronts 50' W. Back River / W. Rd. Aug 8 1977

House 600

To Acres W. S. Back River No. 10. May 11. 1880. H. P. 1880.

Page 10

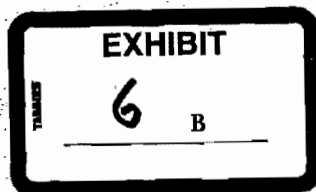
Lot 100x150 EB Back River NW 1/4 Sec 10, T10N, R10W

and and 1.25 1.25 x 1.25 = 3.00

Permutation of elements in a set

From Personal, Confidential

DATE 4/15/98



A

A hand-drawn map of Norman, Oklahoma, showing the city layout and the location of the Norman Cr. area. The map includes a street grid and labels for various areas, including 'NORMAN CR.' and 'NORMAN, OKLA.'.

P113

702

P 260
2 OF 2

DO OF ED
3917/59
14 00 A
P 259

P 260
10F2

P884

ANNA C LAUENSTEIN, ETAL
6484 / 223
55 99A
P 801

P 400 -

P 1027

P 705

MAP 98-P.6

P 824

P 326

GUT

EXHIBIT

B

8989/800
55 00A
P 186

97

CREEK

HOGPEN

SCH
MAP
12
49
P

BALTO CO
6966/420
18 82A
P 161

BOARD OF EDUCATION
OF BALTIMORE CO
3700/247

49 49A
P 78

BALTO CO MD
3782/180
18 70 A
P 159

BALTO CO
MARYLAND
8811/23
9 60A
P 108

BOARD OF ED
4367/81
35 A
P 217

BALTO CO MARYLAND
8367/195
107 65
P 107

S

PROPERTY NOTE

SITE AREA = 7.5 ACRES

LOT #1 TAX # 1505100028 : 6.812 Acs.
 LOT #2 TAX # 1505100034 : 0.344 Acs.
 LOT #3 TAX # 1505100035 : 0.344 Acs.
 TOTAL : 7.5 Acs.

ZONING PETITION FOR SPECIAL HEARING

REQUESTED RELIEF:

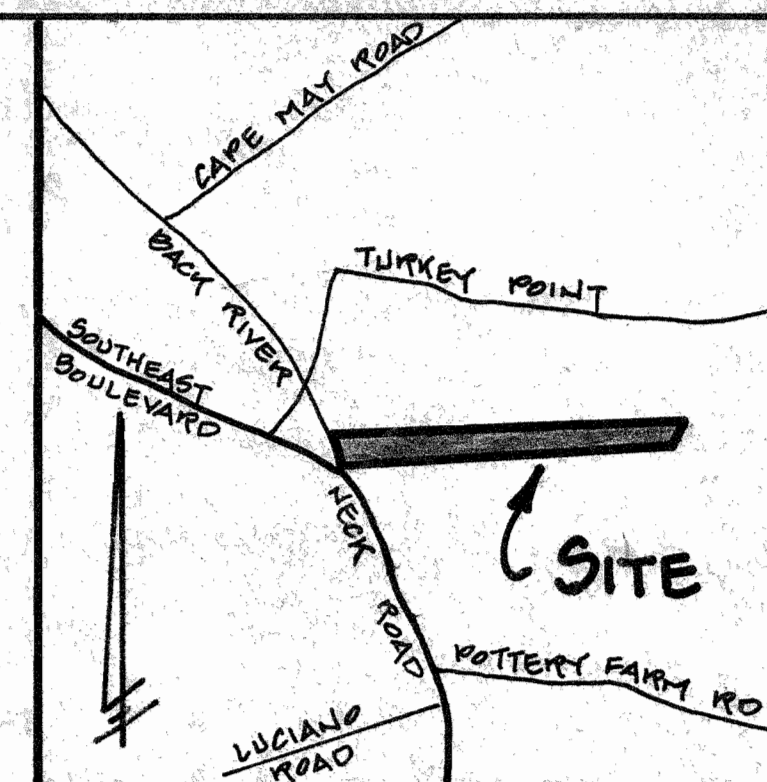
A SPECIAL HEARING TO ESTABLISH:

1. THE EXISTENCE OF THREE BUILDING LOTS AS SHOWN HEREON
2. AND REQUEST A DETERMINATION THAT THE LOTS AND PROPOSED RIGHT OF WAY TO SERVICE THEM COMPLY WITH THE APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS.
3. THE MODIFICATION OF SAID LOTS AS SHOWN ON THE PLAT TO ACCOMPANY THIS PETITION.

GENERAL NOTES

1. THERE ARE NO PREVIOUS ZONING CASES FOR THE SUBJECT PROPERTY
2. THE SUBJECT SITE IS IN THE CHESAPEAKE BAY CRITICAL AREA (LOA & IDA)
3. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
4. THE PROPERTY LIES WITHIN FLOODZONE 'C', AREA OF MINIMAL FLOODING, AS SHOWN ON F.I.R.M. No. 240010 044SC DATED 11/17/93.

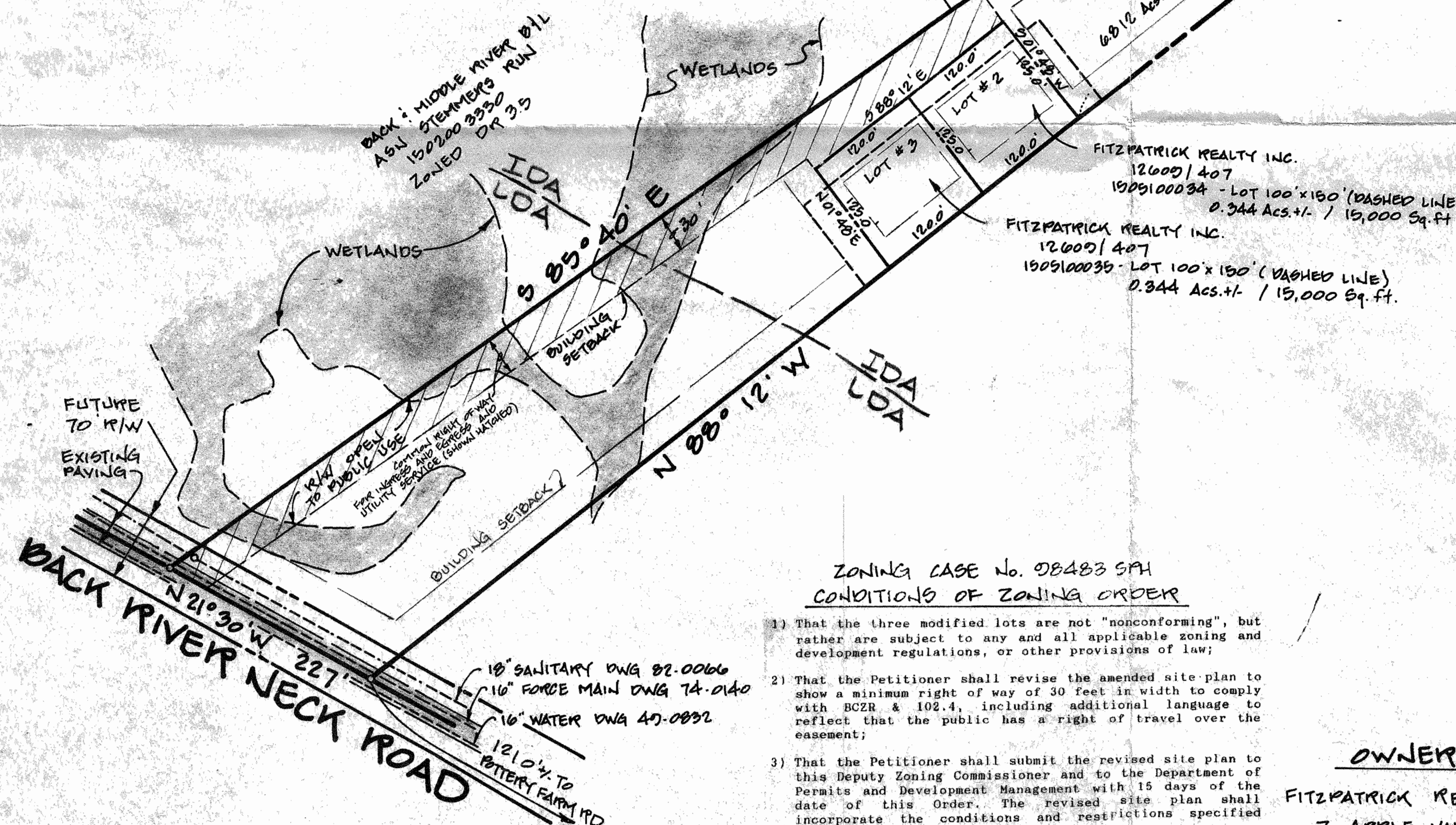
BOARD OF EDUCATION
OF BALTIMORE COUNTY
3700/247
1502574082



VICINITY MAP
SCALE: 1" = 1000'

SITE DATA

* SITE AREA 7.5 ACRES
 (SEE PROPERTY NOTE)
 COUNCILMANIC DIST. 5
 DEED REFERENCE 12609/407
 TAX ACCOUNT No.s 1505100028
 1505100034
 1505100035
 EXISTING ZONING DR 3.5



ZONING CASE No. 08483 SPH CONDITIONS OF ZONING ORDER

- 1) That the three modified lots are not "nonconforming", but rather are subject to any and all applicable zoning and development regulations, or other provisions of law;
- 2) That the Petitioner shall revise the amended site plan to show a minimum right of way of 30 feet in width to comply with BCZR & 102.4, including additional language to reflect that the public has a right of travel over the easement;
- 3) That the Petitioner shall submit the revised site plan to this Deputy Zoning Commissioner and to the Department of Permits and Development Management with 15 days of the date of this Order. The revised site plan shall incorporate the conditions and restrictions specified herein;
- 4) That when applying for any permits or other approvals, the Petitioner must reference this case and set forth and address the restrictions of this Order; and
- 5) That a copy of these Findings and Facts and Conclusions of Law on Remand and these conditions shall be mailed by the Petitioner to the Department of Permits and Development Management.

OWNER

FITZPATRICK REALTY INC.
 7 APPLE VALLEY CT.
 PARKTON, MARYLAND
 21120-0045
 410-329-6911

REVISIONS		
NO.	DATE	DESCRIPTION
1	6/12/98	REV. PER FILING CONFERENCE
2	7/27/98	REV. PER ZONING COMMISSIONERS COMMENTS
3	12/23/98	REV. PER BOARD OF APPEALS REMANDING ORDER
4	1/4/99	REV. PER ATTORNEY'S COMMENTS
5	3/16/99	REV. PER ZONING ORDER

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
FITZPATRICK PROPERTY
 BACK RIVER NECK ROAD
 TAX MAP 08 PARCEL 76

ELECTION DISTRICT No. 13 BALTIMORE COUNTY, MD

SCALE: 1" = 100' DES. BY: SHT. 1 OF 1
 DATE: 5/6/98 DRN. BY: P.M.J.

PROPERTY NOTE

SITE AREA = 7.5 ACRES

TAX # 1505100028 : 0.812 Acs.

TAX # 1505100034 : 0.344 Acs.

TAX # 1505100035 : 0.344 Acs.

TOTAL : 7.5 Acs.

GENERAL NOTES

1. THERE ARE NO PREVIOUS ZONING CASES FOR THE SUBJECT PROPERTY
2. THE SUBJECT SITE IS IN THE CHESAPEAKE BAY CRITICAL AREA (LOA; IDA)
3. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
4. THE PROPERTY LIES WITHIN FLOODZONE 'C'; AREA OF MINIMAL FLOODING, AS SHOWN ON F.I.R.M. No. 240010 0445C DATED 11/17/93.

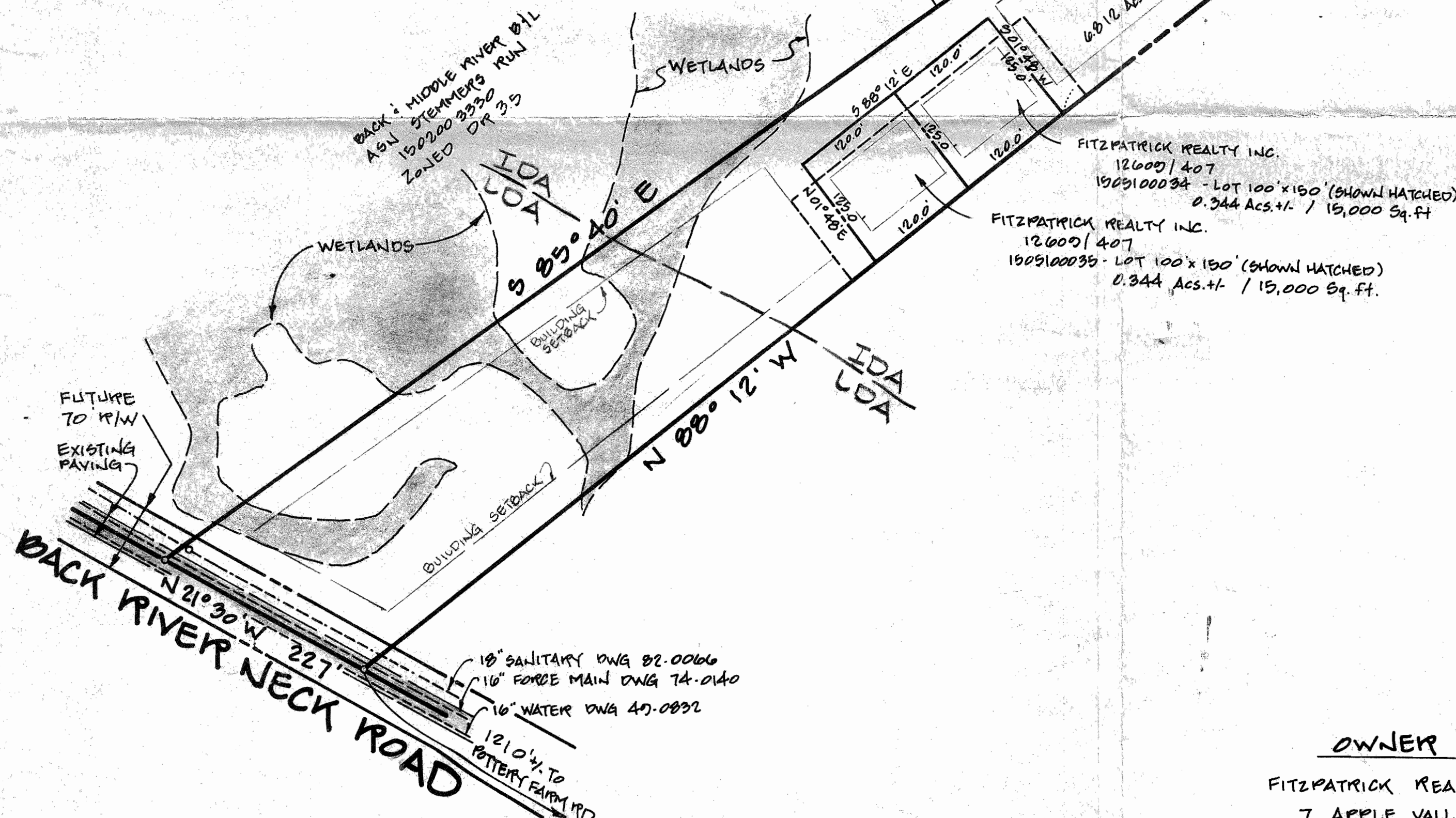
ZONING PETITION FOR SPECIAL HEARING**REQUESTED RELIEF:**

A SPECIAL HEARING TO ESTABLISH:

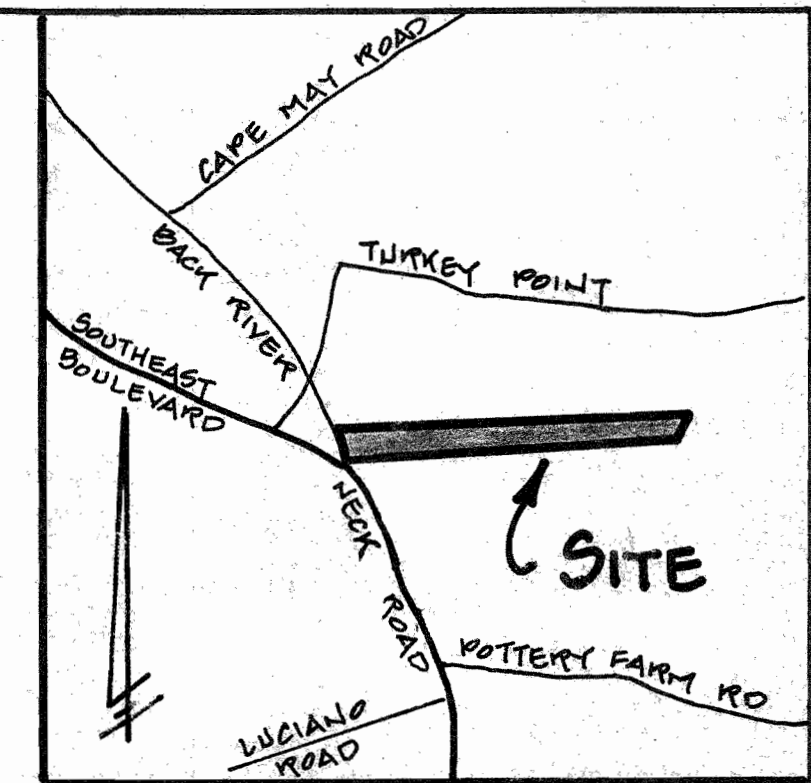
1. THE EXISTENCE OF THREE(3) NONCONFORMING BUILDABLE LOTS;
2. THE EXEMPTION OF SAID LOTS FROM BALTIMORE COUNTY ZONING REGULATIONS AND 102.4 BECAUSE OF THEIR NON-CONFORMING STATUS; AND
3. THE MODIFICATION OF SAID LOTS AS SHOWN ON THE PLAT TO ACCOMPANY THIS PETITION.

JUSTIFICATION:

1. THE LOTS WERE CREATED BEFORE THE ENACTMENT OF ZONING REGULATIONS IN BALTIMORE COUNTY;
2. THE CONSTRUCTION OF SINGLE FAMILY DWELLINGS ON THE LOTS IS PERMITTED AS OF RIGHT; AND
3. THE REQUESTED MODIFICATION DOES NOT AFFECT THE LOTS NON-CONFORMING STATUS.



BOARD OF EDUCATION
OF BALTIMORE COUNTY
3700/247
1505100028



VICINITY MAP
SCALE: 1" = 1000'

SITE DATA

* SITE AREA	7.5 ACRES
(SEE PROPERTY NOTE)	
COUNCILMANIC DIST.	5
DEED REFERENCE	12609/407
TAX ACCOUNT No.s	1505100028 1505100034 1505100035
EXISTING ZONING	DR 3.5

PETITIONER'S EXHIBIT

REVISIONS		
NO.	DATE	DESCRIPTION
1	6/12/98	REV. PER FILING CONFERENCE

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

FITZPATRICK PROPERTY
BACK RIVER NECK ROAD

TAX MAP 08 PARCEL TO

98.483.SPH

ELECTION DISTRICT No. 15 BALTIMORE COUNTY, MD

OWNER

FITZPATRICK REALTY INC.
7 APPLE VALLEY CT.
PARKTON, MARYLAND
21120-0045
410-329-6011

SCALE: 1"=100'	DES. BY:	SHT. 1 OF 1
DATE: 5/6/98	DRN. BY: P.M.J.	

N318100

LOT #1 TAX # 1505100028 : 6.812 Acs.
LOT #2 TAX # 1505100034 : 0.344 Acs.
LOT #3 TAX # 1505100035 : 0.344 Acs.
TOTAL : 7.5 Acs.

1. THERE ARE NO PREVIOUS ZONING CASES FOR THE SUBJECT PROPERTY
2. THE SUBJECT SITE IS IN THE CHESAPEAKE BAY CRITICAL AREA (LDA & IDA)
3. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
4. THE PROPERTY LIES WITHIN FLOODZONE 'C'; AREA OF MINIMAL FLOODING, AS SHOWN ON F.I.R.M. No. Z40010 0449C DATED 11/17/93.

REQUESTED RELIEF:

1. THE EXISTENCE OF THREE BUILDING LOTS AS SHOWN HEREON
2. AND REQUEST A DETERMINATION THAT THE LOTS AND PROPOSED RIGHT OF WAY TO SERVICE THEM COMPLY WITH THE APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS.
3. THE MODIFICATION OF SAID LOTS AS SHOWN ON THE PLAT TO ACCOMPANY THIS PETITION.

1. THE LOTS WERE CREATED BEFORE THE ENACTMENT OF ZONING REGULATIONS IN BALTIMORE COUNTY;
2. THE CONSTRUCTION OF SINGLE FAMILY DWELLINGS ON THE LOTS IS PERMITTED AS OF RIGHT; AND

SCALE: 1" = 1000'

* SITE AREA	7.5 ACRES
(SEE PROPERTY NOTE)	
COUNCILMANIC DIST.	5
DEED REFERENCE	12609/407
TAX ACCOUNT No.5	1303100028
	1305100034
	1505100035
EXISTING ZONING	OR 3.5

Remanded
PETITIONER'S
EXHIBIT NO. 1

REVISIONS		
NO.	DATE	DESCRIPTION
1	6/12/88	REV. PER FILING CONFERENCE
2	7/27/88	REV. PER ZONING COMMISSIONERS COMMENTS.
3	2/23/89	REV. PER BOARD OF APPEALS REMANDING ORDER
4	1/4/90	REV. PER ATTORNEY'S COMMENTS

CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

PLAT TO ACCOMPANY
PETITION FOR
SPECIAL HEARING
FITZPATRICK PROPERTY
BACK RIVER NECK ROAD
TAX MAP 08 PARCEL 70

ELECTION DISTRICT No. 15 BALTIMORE COUNTY, MD

SCALE: 1"=100'
DATE: 5/6/78

DES. BY:
DRN. BY: P.M.N.

SHT. 1 OF 1

27040

OWNER

FITZPATRICK REALTY INC.
7 APPLE VALLEY CT.
PARKTON, MARYLAND
21120-0045
410-329-6011