IN RE: PETITION FOR VARIANCE N/S Armstrong Road, 200' N of Park Road 15th Election District 7th Councilmanic District (401 Armstrong Road) Stefania Malkowski Petitioner	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 01-156-A

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Stefania Malkowski. The Petitioner is requesting a variance for property she owns at 401 Armstrong Road. The variance request relates to an existing pier that has been on the property for many years. However, Ms. Malkowski added a small addition to the end of the pier, thereby extending the need for the variance request. Specifically, she is requesting a variance from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), for permission to allow the existing pier with an addition to be as close as 0 ft. and two existing mooring pilings to be as close as 6 ft. to the divisional line in lieu of the required 10 ft. In addition, a portion of the pier extends beyond the divisional line by 5 ft. The variance request is being made to legitimize the old pier as well as the new addition added thereto.

Appearing at the hearing on behalf of the variance request were Stefania Malkowski, owner of the property and her daughter, Teresa Needle. Appearing as interested neighbors were the adjacent property owner, Louis Clark, as well as Robert Palmer, Ronald Cox and Douglas Stevens.

ORDER RECEIVED FOR FILING
Date 12/11/00
By K Jameson

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.70 acres, more or less, zoned DR 5.5. The subject property is depicted as Lot. #6 on Petitioner's Exhibit No. 1, the site plan submitted into evidence. The property itself is a waterfront lot which fronts on Armstrong Creek in the Bowleys Quarters area of Baltimore County. The property is improved with a single-family dwelling wherein Ms. Malkowski resides. At the end of the property, extending into Armstrong Creek, is a pier which has existed on the property for many decades. Recently, Ms. Malkowski obtained from Baltimore County a building permit to add an 11 ft. x 19 ft. extension on the end of the existing pier. Ms. Malkowski believed that the permit for the pier extension had been approved and, therefore, commenced and almost completed construction of the addition. However, she was later informed by Baltimore County that the permit had not been issued or was issued in error, due to the fact that a portion of the pier itself extends beyond the divisional lines as those lines are drawn on the site plan. The method by which divisional lines are drawn on Ms. Malkowski's property causes a hardship upon her, given that her shore line is basically on the inside corner of a curve. Therefore, her divisional lines extend from her property at angles which would not permit any pier to extend beyond her property. Historically, what the property owners have done along Armstrong Creek are simply to extend their piers parallel to their property lines out into the creek itself. This has functioned well for many decades. However, Baltimore County passed legislation dealing with the method by which property lines are to be extended into the water ways. The passage of this law runs contrary to many of the properties along Armstrong Road and the manner by which these property owners have built their piers many years ago. Not only is Ms. Malkowski's pier in violation of those provisions, but others in this area are as well. However, she is here to

12/13/00 R. Jones

legitimize the old existing pier, as well as the extension that was added on to the end. In order for the improvements to be approved the variance request is necessary.

Appearing in opposition to the Petitioner's request was the adjacent property owner, Mr. Louis Clark, as well as others in the surrounding neighborhood. Mr. Clark does not object per se to the extension of the pier, but is concerned over the method by which boats will be stored along this new extension. He indicated at the hearing that the storage of boats on the south side of the pier, that is the side of the pier adjacent to his property, would interfere with the method by which he gets boats in and out of his property. Therefore, he suggests, as well as the others in attendance, that in the event the variances are approved to allow the pier to exist as is, that no boats be stored on the south side of the pier which is the side of the pier next to his property. In addition, Mr. Clark, as well as the others in attendance did not object to Ms. Malkowski adding two additional mooring piles off the end of her existing pier for the purpose of tying up a boat off the end of the pier. This was offered as a compromise given that, at the request of the neighbors, no boats would be stored on the south side of the pier adjacent to Mr. Clark's property. This would give her one additional mooring space to off-set the loss of a mooring space on the side of the pier adjacent to Mr. Clark's property.

I found the compromise to be reasonable and, therefore, agree with those in attendance that the variance should be granted so as to allow the pier to remain as it is presently configured. No one asked that Ms. Malkowski be made to tear down those portions of the pier that do not meet the 10 ft. setback from the extended division lines. Therefore, I shall approve the variances, but shall impose conditions and restrictions to insure that there will be no problems in the future concerning the method by which these neighbors bring boats in and out of their properties.

FILING
12/13/00

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

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 13th day of December, 2000, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), for permission to allow the existing pier with

ORDER RECEIVED FOR FILING
Date 12/13/00
By

an addition to be as close as 0 ft. and two existing mooring pilings to be as close as 6 ft. to the divisional line in lieu of the required 10 ft., and to legitimize the old pier as well as the new addition added on thereto (as a portion of the pier extends beyond the divisional line by 5 ft.), be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the property owner, Stefania Malkowski, and any future purchaser, transferee or owner of the subject property, shall be prohibited from temporarily docking or storing any boats along the entire length of the south side of the existing pier with the new addition, that side being the side that is immediately adjacent to the property owned by Mr. Louis Clark. All boats stored and docked on the Malkowski pier must be moored on the end of the pier, no closer to the Clark property than the edge of the existing pier, or anywhere along the north side of the pier that the boaters may wish to tie up. The purpose of this restriction is to avoid any interference with boats coming and going from the property owned by Mr. Clark.

IT IS FURTHER ORDERED, that the Petitioner shall be permitted to install two additional mooring piles off the end of the pier no more than 12 ft. further out into Armstrong Creek from the end of the pier itself. These two new additional mooring piles shall afford the property owner the ability to permanently store one additional boat off the end of the pier. The Petitioner shall not have to request an additional zoning hearing for these two new mooring piles. However, she must obtain a valid building permit for the installation of these two new pilings, which must be reviewed by the Department of Environmental Protection and Resource Management. However, as far as zoning goes, the two new pilings, be and they are hereby APPROVED.

OFFICE OF ZONING ZONING FILING
DATE 12/13/00
BY R. Jones

IT IS FURTHER ORDERED, that a copy of this Order must be recorded within the Land Records of Baltimore County to put any future potential purchaser, transferee or owner of the Malkowski property on notice of the conditions and restrictions as to the prohibition of storing any boats, either temporary or permanently, on the south side of the existing pier adjacent to the property owned by Mr. Clark. This Order must be recorded prior to the final issuance of the building permit for this pier. Proof of recordation must be sent to this office for inclusion in this file.

IT IS FURTHER ORDERED, that the Petitioner shall be permitted to continue to keep and store the small jet ski on the side of the pier adjacent to Mr. Clark's property, as is depicted in the photographs submitted into evidence. The jet ski is stored closed enough to shore so as not to impede any boat traffic coming and going from Mr. Clark's property.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

PLEASE RETURN TO: PERMITS & LICENSES
12/13/00
R. Jameson

IN THE MATTER OF THE APPLICATION OF STEFANIA MALKOWSKI –LEGAL OWNER -PETITIONER FOR A VARIANCE ON PROPERTY LOCATED ON THE N/S ARMSTRONG ROAD, 200' N OF PARK ROAD (401 ARMSTRONG ROAD) 15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 01-156-A

* * * * * * * * *

OPINION

This case comes to the Baltimore County Board of Appeals based on a decision of the Deputy Zoning Commissioner rendered on December 13, 2000 in which a request for a variance from § 417.4 of the *Baltimore County Zoning Regulations* (BCZR) was granted to allow the existing pier with an addition to be as close as 0 feet and two existing mooring pilings to be as close as 6 feet to the divisional line in lieu of the required 10 feet; and, in addition, to legitimatize the old pier as well as the new addition added on thereto (as a portion of the pier extends beyond the divisional line by 5 feet). The variance request approval was accompanied by a restriction placed upon the property owner. This granted the Petitioner permission to install two additional mooring piles off the end of the pier no more than 12 feet further out into Armstrong Creek from the end of the pier itself, subject to review by the Department of Environmental Protection and Resource Management for an appropriate building permit.

Additionally, it was ordered that the Deputy Zoning Commissioner's order be recorded among the Land Records of Baltimore County. On January 9, 2001, the Petitioner appealed the decision by the Deputy Zoning Commissioner as to the restriction of the use of the south side of the pier by the Petitioner. Based upon the limited nature of the appeal, the only matter for consideration before this Board was the prohibition on the part of the property owner, Stefania Malkowski, and any future purchaser, transferee, or owner of the subject property, from "temporarily docking or storing any boats along the entire length of the south side of the existing pier with the new addition, that side being the side that is immediately adjacent to the property of Mr. Louis Clark. All boats stored and docked on the

Malkowski pier must be moored at the end of the pier, no closer to the Clark property than the edge of the existing pier, or anywhere along the north side of the pier that boats may wish to tie up."

The Board heard the matter in public session on February 13, 2002. Raymond M. Atkins, Esquire, represented the Appellant /Petitioner. Mr. Louis M. Clark and Mr. Douglas Stevens appeared in opposition to the request. Mr. Atkins had an opening statement followed by brief comments by Mr. Clark. Because of Mrs. Malkowski's difficulty with the English language, Mr. Atkins had her daughter testify at length concerning the request. According to the testimony, the Petitioner has lived on the site since 1980. The property is zoned D.R. 5.5 and consists of 0.70 acre. It is a waterfront lot that fronts on Armstrong Creek in the Bowleys Quarters area of Baltimore County. The Petitioner resides in a single-family dwelling on the property. As is typical of waterfront properties, there is a pier at the end of the property. Mr. Atkins admitted into evidence Petitioner's Exhibit No. 1, a letter dated March 31, 1983 from the Department of the Army concerning approval of a general permit to perform work on the navigable waters of the United States, subject to any local or state regulations.

Mrs. Malkowski's daughter described the four photographs (Petitioner's Exhibit 2A through 2D) reflecting the existing pier and neighboring pier of Mr. Clark. According to the witness, Mr. Clark put in the four metal poles reflected on Petitioner's Exhibit 2D. Mr. Clark owns two boats and rents out boat space on the pier to others, according to the witness. Petitioner's Exhibit No. 3 reflected the Petitioner's "Plat to Accompany Petition for Zoning Variance" rendered under date of September 28, 2000.

Petitioner's Exhibits 4A, B and C reflect photographs of the shoreline and existing single-family dwelling (4A, Mr. Clark's home from the water; 4B and 4C), the white crushed stone the witness stated was placed there by Mr. Clark, and, according to her, dramatically changed the physical aspects of the shoreline. The witness also testified concerning Petitioner's Exhibit No. 5A, 5B, 5C and 5D. Petitioner's Exhibit 5A is a photograph of Mr. Donald Cox's pier, a neighbor; 5B reflects the property

line circled on Mr. Cox's pier; 5C, the rusted bolts on the Cox pier; and 5D the metal pilings which begin to show signs of rust and deterioration. The witness opined at length that the Deputy Zoning Commissioner's restriction placed unreasonable restraints on the Petitioner's use of the property and created a situation that causes a severe depreciation in the event of a future sale. Special emphasis was placed on the low water marks at low tide. The witness stated that the low tides reflected hardly any water for her mother's boat; and the Petitioner's son, Michael, whose boat requires deeper water. According to the witness, it is impossible to back up the boats.

Petitioner's Exhibit 6A through 6F were also received into evidence (6A through 6D reflect various views of the piers and boats; 6D, pilings of the 1983 Petition; and 6E and 6F, the Malkowski pier with 1983 poles in place for which permission was obtained from the Army Corps of Engineers. Petitioner also submitted photographs, Exhibits 7A through 7D, reflecting various dated photographs of the Malkowski pier with family members. The witness also described neighboring piers and submitted Petitioner's Exhibit 8A which shows the fence separating the Clark and Malkowski properties, and 8B, the Malkowski pier as it currently exists. Petitioner's Exhibit 10A reflects a view of looking down at a series of piers, including a boat lift in the background, and Exhibit 10B, the Malkowski pier looking at it with Petitioner's Exhibit No. 11, Mr. Clark's mooring piles.

According to the testimony, the Petitioner had secured a building permit from Baltimore County to an 11-foot by 19-foot extension at the end of the pier that had existed for a substantial number of years. Under the impression that the permit had been improved, the Petitioner began construction of the extension, and that extension was almost finished when she was informed by Baltimore County officials that the permit had not actually been issued, or was caused to be issued in error since a portion of the pier extended beyond the divisional line on the site plan. Mrs. Malkowski's shoreline is essentially on the inside corner of a curve. Hence, her divisional lines extend from her property at angles which preclude

any pier to extend beyond her property. As a practical matter, property owners along Armstrong Creek have simply extended their piers parallel to their property lines outside the Creek, and for years these have not presented any problems. However, Baltimore County has enacted legislation which regulates the method by which parallel lines are to be extended into the waterways. This has resulted in many waterfront properties along Armstrong Road to run afoul of the law based on the method by which the piers were constructed years ago. The problem is one that exists throughout Baltimore County.

Mr. Louis Clark was the only witness testifying on behalf of the Protestants. He offered one exhibit, Protestant's Exhibit No. 1, which he reviewed in detail with the Board. He stated that he does not rent his boat slips out. He has two boats and he frequently lets his neighbors use some of his spots. He indicated that there had been some contention between the Petitioner and some of the neighbors and that Mrs. Malkowski had actually turned him in for two Code violations. He alleged that the Malkowski pier was in violation of the Baltimore County Code relative to divisional lines and that he had no objection to the arrangement that had been made by the Deputy Zoning Commissioner relative to the allowance of the variance for the pier and also the permission to grant the Malkowski boats at the end of their pier, but that if the restriction imposed by the Deputy Zoning Commissioner was taken away it would be a severe hardship for him in getting his boats in and out. He alleged that Mrs. Malkowski did not follow the legal procedures in determining the divisional line and that there were certain restrictions and there would have been no problem if the proper procedures had been followed. He cited the fact that if the Board were to remove the restriction he would have severe problems, and in all probability, could not use the side of his pier adjacent to the Malkowski pier, and this would amount to a deprivation of the use of his property in consideration of the variances having been given to the Petitioner.

Mr. Atkins offered a closing statement as well as did Mr. Clark, and the Board indicated that a public deliberation would be held at a future date following a review by the Board members of their

individual notes and the testimony and evidence that had been submitted at the public hearing. A public deliberation was conducted on April 11, 2002.

The Board in this case is only charged with the task of reviewing the testimony and evidence submitted at the public hearing, and determining if, on a *de novo* basis, the Board would have required the same condition relative to the south side of the existing pier, with the new addition, that side being the side immediately adjacent to the property owned by Mr. Louis Clark. The purpose of the restriction was to avoid any interference with boats coming and going from the property Mr. Clark owns. (See page 5 of the Deputy Zoning Commissioner's Order of September 13, 2000.) There is no question but that, based on the evidence and testimony and, in particular, the photographs submitted as evidence, the granting of the variance would cause a problem when Mr. Clark attempted to move his boats in and out of his property. To accommodate the Petitioner, Mr. Clark and others had no objection to the Petitioner adding two more additional pilings at the end of her pier and also the granting of the variance by the Deputy Zoning Commissioner, which would provide a space for her. The legislation enacted by the Baltimore County Council relative to the divisional lines certainly causes a hardship for the Petitioner and others owning property along Armstrong Road. Without the variance, use of the waterfront property by the Petitioner would be negligible. The granting of the variance does cause concern for Mr. Clark and others he accommodates with the use of his pier. The compromise is one that seems to accommodate all parties in a fair and equitable manner, and while no one requested that the Petitioner tear down those portions of the pier which did not meet the 10-foot setback from the divisional lines, the compromise seems to be reasonable to accommodate both the Petitioner and also Mr. Clark's use of his property.

For the reasons so stated, the Board will concur with the compromise arrived at by the Deputy Zoning Commissioner, and the Petitioner's request to have said restriction removed is denied.

ORDER

THEREFORE, IT IS THIS 24th day of May, 2002 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioner's request for removal of the restriction imposed by the Deputy Zoning Commissioner in his Order dated December 13, 2000 be and is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Chairman

C. Lynn Barranger

Lawrence M. Stahl

ZONING DESCRIPTION

ZONING DESRIPTION FOR 401 ARMSTRONG RD
BEGINING at a point on the North **side of**
ARMSTRONG RD **which is** 20'
wide at the distance of 220 North **of the center line of the nearest improved inter secting street** PARK ROAD **which is** 20' **wide.*BEING**
lot# 6 **,**
block / **,section** / **in the subdivision of** HERMAN GUIDO PROPERTY
as recorded in BALTIMORE COUNTY PLAT BOOK# 42 **,FOLIO#** 127 **,**
CONTAINING 34,335 SQ FT. **.ALSO known as 401 ARMSTRONG RD. and located in the 15 election district,5th councilmanic district.**

01-156-A #156

CBCA
FLOODPLAIN

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 401 ARMSTRONG RD.

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 417.4 (B.C.Z.R.)

TO PERMIT AN EXISTING PIER WITH ADDITION TO BE AS CLOSE AS *0' AND 2 EXISTING MOORING PILINGS TO BE AS CLOSE AS 6' TO THE DIVISIONAL LINE IN LIEU OF THE REQUIRED 10'. * AND TO EXTEND 5' BEYOND THE DIVISIONAL LINE

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

water too shallow close to shore & close to pier (approx 2FT)

TO BE DISCUSSED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Stefanie MALKOWSKI

Name - Type or Print

Signature

Name - Type or Print

Signature

401 ARMSTRONG ROAD 410 344 1038

Address — Telephone No.

BALTIMORE Maryland 21220

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Representative to be Contacted:

SAME

Name

AS

Address — Telephone No.

ABOVE

City — State — Zip Code

ORDER RECEIVED FOR FILING
Date 12/13/00
By

Case No. 01-156-A

REV. 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTM Date 10/5/00

ZONING DESCRIPTION

ZONING DESRIPTION FOR 401 ARMSTRONG RD
BEGINING at a point on the North **side of**
ARMSTRONG RD **which is** 20'
wide at the distance of 420 North **of the center line of the nearest improved inter secting street** PARK ROAD **which is** 20' **wide.*BEING lot#** 6 **,**
block / **,section** / **in the subdivision of** HERMAN GUIDO PROPERTY
as recorded in BALTIMORE COUNTY PLAT BOOK# 42 **,FOLIO#** 127 **,**
CONTAINING 34,335 SQ FT. **.ALSO known as 401 ARMSTRONG RD. and located in the 15 election district,5th councilmanic district.**

01-156-A #156

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 9019

DATE 1/09/01 ACCOUNT R001 6150

AMOUNT $ 210.00

RECEIVED FROM: [redacted] MALKOWSKI

FOR: VARIANCE APPEAL

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT DATE TIME
1/09/2001 1/09/2001 09:51:43
REG 0602 CASHIER DOL 000 DRAWER 2
Acct 5 520 ZONING VERIFICATION
Receipt # 157079 OFLN
CR NO. 090191
Recpt Tot 210.00
210.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 96881

DATE 10/5/00 ACCOUNT R001 6150

AMOUNT $ 50.00

RECEIVED FROM: MALKOWSKI

FOR: OTO VARIANCE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT DATE TIME
9/05/2000 10/06/2000 10:56:22
REG 0302 CASHIER DOL 000 DRAWER 2
Acct 5 520 ZONING VERIFICATION
Receipt # 157171 OFLN
CR NO. 080380
Recpt Tot 50.00
.00 CK 50.00 CA
Baltimore County, Maryland

01-156-A

CASHIER'S VALIDATION

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: #01-156-A
401 Armstrong Road
N/S Armstrong Road, 200 feet N of Park Road
15th Election District - 7th Councilmanic District
Legal Owner(s): Stefania Malkowski

Variance: to permit an existing pier with addition to be as close as zero feet and to extend over the divisional line by 5 feet in lieu of the required 10 feet; and to permit 2 existing mooring pilings to be as close as 6 feet to the divisional line in lieu of the required 10 feet.

Hearing: Wednesday, November 29, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing Contact the Zoning Review Office at (410) 887-3391.

11/082 Nov. 9 0432357

CERTIFICATE OF PUBLICATION

TOWSON, MD, 11/9/, 2000

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 11/9/, 2000.

THE JEFFERSONIAN,

P. Wilkinson

LEGAL ADVERTISING

[redacted]

01-156-A

CERTIFICATE OF POSTING

RE: CASE # 01-156-A
PETITIONER/DEVELOPER
(Stefania Malkowski)
DATE OF Hearing
(11-29-00)

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

401 Armstrong Road Baltimore , Maryland 21220_____

_____

THE SIGN(S) WERE POSTED ON_____ 11-9-00_____
(MONTH, DAY,YEAR)

SINCERELY,

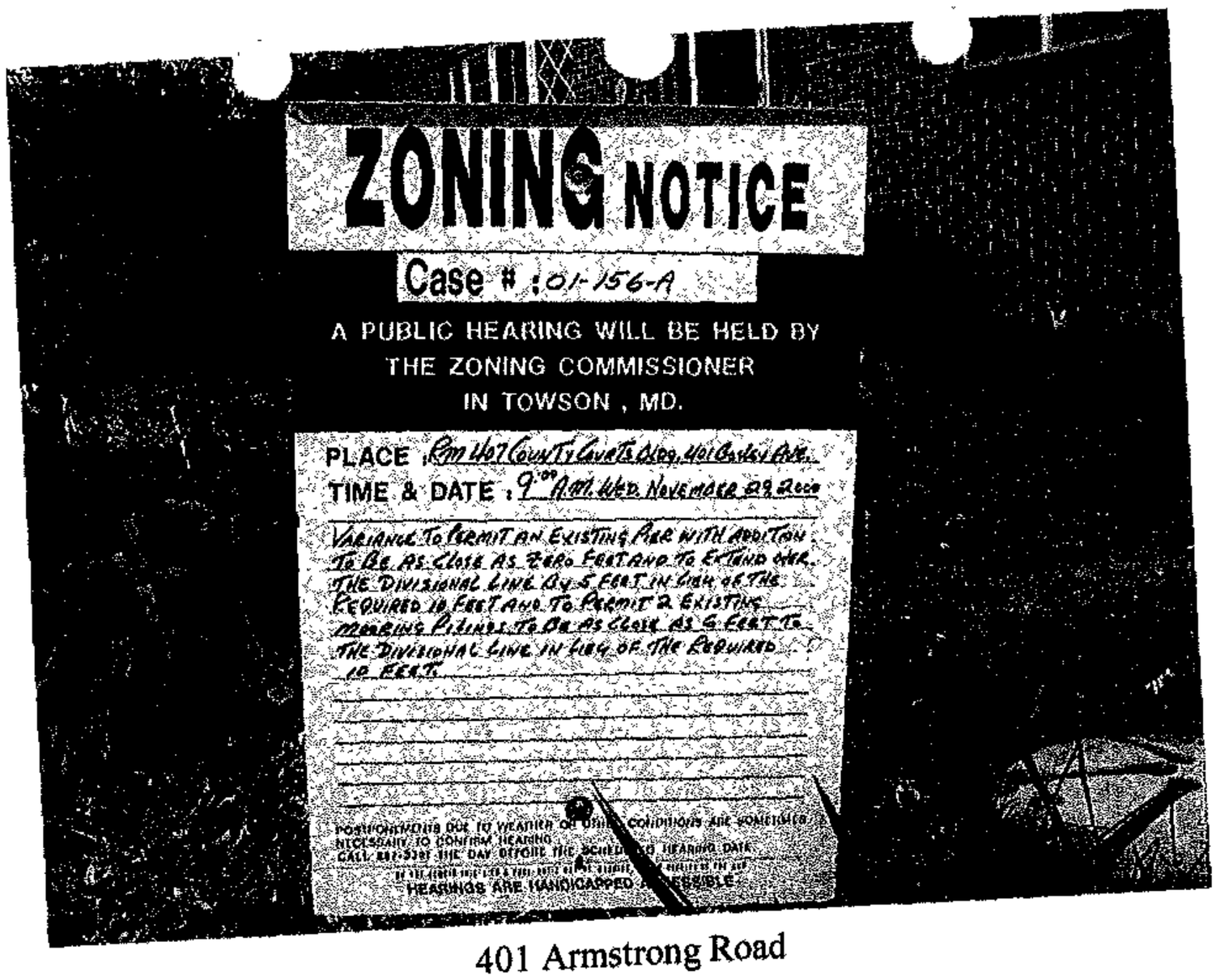
Thomas P. Ogle Sr. 11/9/00
(SIGNATURE OF SIGN POSTER & DATE)

_____THOMAS P. OGLE SR._____

_____325 NICHOLSON ROAD_____

_____BALTIMORE, MARYLAND 21221____

_____410-687-8405_____
(TELEPHONE NUMBER)



401 Armstrong Road

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 9, 2000 Issue – Jeffersonian

Please forward billing to:
Stefania Malkowski
401 Armstrong Road
Baltimore, MD 21220

410 344-1038

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: 01-156-A
401 Armstrong Road
N/S Armstrong Road, 200 feet N of Park Road
15th Election District – 7th Councilmanic District
Legal Owner: Stefania Malkowski

Variance to permit an existing pier with addition to be as close as zero feet and to extend over the divisional line by 5 feet in lieu of the required 10 feet; and to permit 2 existing mooring pilings to be as close as 6 feet to the divisional line in lieu of the required 10 feet.

HEARING: Wednesday, November 29, 2000, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt
GDZ

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW 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
FAX: 410-887-3182

WCR

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

January 8, 2002

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-156-A

IN THE MATTER OF: ***Stefania Malkowski*** **-Legal Owne**
401 Armstrong Road
15th Election District; 7th Councilmanic District

12/13/2000 – D.Z.C.'s Order in which variance request was GRANTED with restrictions **(APPEALED BY PETITIONER ONLY AS TO RESTRICTION IMPOSED)**

which was assigned to be heard on 1/22/02 has been **POSTPONED** at the request of Counsel for Petitioner due to Circuit Court conflict; and has been

REASSIGNED FOR: **WEDNESDAY, FEBRUARY 13, 2002 at 10:00 a.m.**

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

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

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

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

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c: Counsel for Appellant /Petitioner : Raymond M. Atkins, Jr., Esquire
Appellant /Petitioner : Stefania Malkowski

Teresa Needle
Louis M. Clark
Robert J. Palmer
Donald J. Cox
Douglas Stevens

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt, Zoning Commissioner
Jim Kemp, CIE /PDM #00-6671
Arnold Jablon, Director /PDM

RECEIVED
JAN 9 2002

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on Recycled Paper

WCR

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 27, 2001

NOTICE OF ASSIGNMENT

CASE #: 01-156-A

IN THE MATTER OF: ***Stefania Malkowski*** **-Legal Owne**
401 Armstrong Road
15th Election District; 7th Councilmanic District

12/13/2000 – D.Z.C.'s Order in which variance request was GRANTED with restrictions **(APPEALED BY PETITIONER ONLY AS TO RESTRICTION IMPOSED)**

ASSIGNED FOR: **TUESDAY, JANUARY 22, 2002 at 10:00 a.m.**

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

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

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

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Appellant /Petitioner : Stefania Malkowski

Teresa Needle
Louis M. Clark
Robert J. Palmer
Donald J. Cox
Douglas Stevens

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt, Zoning Commissioner
Jim Kemp, CIE /PDM #00-6671
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County Board of Appeals of Baltimore County

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

*** **HEARING ROOM** – *Room 48* ***
Basement –Old Courthouse
400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF FEBRUARY 11, 2002

TUESDAY **2/12** **10:00 am** **Case No.: CBA-01-156** **/HEARING**

In the Matter of:
Air Flow Systems, Inc. and Theodore Cavey, Jr.
Numerous addresses (79 locations throughout County)

RE: Civil Citation #01-3570
Code Inspections and Enforcement Violation

11:00 am **Case No.: 01-310-A** **/Deliberation**
01-311-A and 01-312-A

In the Matter of:
Sun Oil Company/Petitioner
11701 Reisterstown Road; 10812 Reisterstown Road;
and 6324 Baltimore National Pike

1:00 pm **Case No.: CBA-02-101** **/HEARING**

In the Matter of:
Lois Ann Fearson
1 Broadship Road
Baltimore, MD 21222

RE: AHB Decision/Dangerous animals; civil monetary penalties; to be removed from 1 Broadship and proof provided of person taking possession

---

WEDNESDAY **2/13** **10:00 am** **Case No.: 01-156-A** **/HEARING**

In the Matter of:
Stefanie Malkowski
N/s Armstrong Road, 200' N of Park Road
401 Armstrong Road
15th Election; 7th Councilmanic

RE: VAR – to allow legitimize old pier and new addition

WEEKLY SCHEDULE CONTINUED ON NEXT PAGE

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THURSDAY **2/14** **10:00 am** **Case No.: R-01-455** **/HEARING**

In the Matter of:

Michael James Lynch, et al
N/s Sweet Air Road, E of Sunburst Road
10 th Election; 6th Councilmanic

RE: Reclassification: From R.C. 2 to R.C. 5

Out of Cycle
Day #2 from 8/22/ 01

---

c:

Executive Office	People's Counsel	County Council
Law Office	Planning Office	Board Members
Director /PDM	Court Info. Desk	Court Reporter

RE: PETITION FOR VARIANCE 401 Armstrong Road, N/S Armstrong Rd, 200' N of Park Rd 15th Election District, 7th Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
Legal Owner: Stefanie Malkowski Petitioner(s)	*	BALTIMORE COUNTY
	*	Case No. 01-156-A

* * * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

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 18th day of October, 2000 a copy of the foregoing Entry of Appearance was mailed to Stefanie Malkowski, 401 Armstrong Road, Baltimore, MD 21220, Petitioners.

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

November 24, 2000

Stefanie Malkowski
401 Armstrong Road
Baltimore, MD 21220

Dear Ms. Malkowski:

RE: Case Number: 01-156-A, 401 Armstrong Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 5, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel

Census 2000 For You, For Baltimore County Census 2000

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley AC/RBS

DATE: October 24, 2000

SUBJECT: Zoning Item #156
401 Armstrong Road

Zoning Advisory Committee Meeting of October 16, 2000

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (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).

Reviewer: Keith Kelley Date: October 23, 2000

Baltimore County
Fire Department

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

October 17, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 16, 2000

Item No.: See Below

Dear Ms. Stephens:

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:

149, 150, 151, 152, 153, 154, 155, 156, 157, and 158

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

Sim
11/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 23, 2000

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 01-156.**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: _____

Section Chief: _____

AFK/JL:MAC

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 10.16.00

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

RE: Baltimore County
Item No. 156 LTM

Dear. Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

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

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: November 13, 2000

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 23, 2000
Item Nos. 149, 150, 151, 152, 153, 154, 155, 156, 157, and 158

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

RWB:HJO:jrb

cc: File

ZAC-10-23-2000-NO COMMENT ITEMS.doc

Baltimore County
Department of Permits and
Development Management

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

January 26, 2001

Mr. Louis M. Clark
403 Armstrong Road
Baltimore, MD 21220

Dear Mr. Clark:

RE: Case No. 01-156-A, 401 Armstrong Road

Please be advised that an appeal of the above-referenced case was filed in this office on January 9, 2001 by Stefania Malkowski. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,

GDZ

Arnold Jablon
Director

AJ: gdz

c: Stefania Malkowski, 401 Armstrong Road, Baltimore 21220
Robert J. Palmer, 415 Armstrong Road, Baltimore 21220
Ronald J. Cox, 405 Armstrong Road, Baltimore 21220
Douglas Stevens, 3415 Park Road, Baltimore 21220
Teresa Needle, 1508 Denton Road, Baltimore 21221
People's Counsel

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County Board of Appeals of Baltimore County

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

May 24, 2002

Raymond M. Atkins, Jr., Esquire
105 W. Chesapeake Avenue
Jefferson Building, Suite 102
Towson, MD 21204

RE: *In the Matter of: Stefania Malkowski* –Legal Owner
Case No. 01-156-A

Dear Mr. Atkins:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco /tas

Kathleen C. Bianco
Administrator

Enclosure

c: Stefania Malkowski
Teresa Needle
Louis M. Clark
Robert J. Palmer
Donald J. Cox
Douglas Stevens
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt, Zoning Commissioner
Jim Kemp, CIE /PDM #00-6516
Arnold Jablon, Director /PDM

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Baltimore County Zoning Review

Memo

To: Ms. Stefanie Malkowski

From: Lloyd T. Moxley
Planner II,
Baltimore County Zoning Review

Date: 10/10/00

Re: Petition for Variance Case No. 01-156-A

Revision to Petition

After meeting with my supervisor, I have amended the text as shown on the petition filed by you on October 5, 2000. Included with this memo is a copy of the revised petition for your files. Please call 410 887-3391 if you have any questions

MEMO / COPY OF REVISED PETITION
MAILED TO APPLICANT 10/10/00

01-156-A

Case No. 01-156-A

VAR – For permission to allow existing pier with addition to be as close as 0' and two existing mooring pilings to be as close as 6' to divisional line ilo req'd 10'; also portion of pier extends beyond divisional line by 5'; to legitimize old pier as well as new addition thereto.

12/13/2000 – D.Z.C.'s Order in which variance request was granted with restrictions.

NOTE: Appeal filed by Petitioner only as to restriction imposed by Deputy Zoning Commissioner; no other appeals noted; matter before the Board in this case is limited to the restrictions imposed and appealed by Appellant.

9/27/01 – Notice of Assignment sent to following; hearing assigned for Tuesday, January 22, 2002 at 10 a.m.:

Stefania Malkowski
Teresa Needle
Louis M. Clark
Robert J. Palmer
Donald J. Cox
Douglas Stevens
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt, Zoning Commissioner
Jim Kemp, CIE /PDM #00-6671
Arnold Jablon, Director /PDM

1/07/02 – Entry of Appearance and request for postponement filed by Raymond M. Atkins, Jr., Esquire – entering appearance on behalf of Petitioner (Stefanie Malkowski); requesting postponement of 1/22/02 hearing – Circuit Court conflict.

1/08/02 – Notice of PP and Reassignment sent to parties; case reassigned to Wednesday, February 13, 2002 at 10:00 a.m. *T/C to Mr. Atkins' office to confirm grant of postponement; copy of Notice hand-delivered to PC.*

2/13/02 – Hearing concluded (Marks, Stahl, Barranger); deliberation to be assigned for 4/11/02 and notice sent.

2/14/02 – Notice of Deliberation sent to parties with FYI copy to C.L.B. Assigned for Thursday, April 11, 2002 at 9:30 a.m.

2/22/02 – T/C from Jim Kemp – correct code enforcement number in this matter is $00-6516. File and notices have been so noted.

4/11/02 – Board convened for deliberation (C.L.B.); request to remove restriction DENIED. Restriction to remain as imposed by D.Z.C. written Order and Opinion to be issued; appellate period to run from date of written Order.

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: October 18, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT:

Item No.:	156
Legal Owner/Petitioner:	Malkowski, Stefania
Contract Purchaser:	
Property Address:	401 Armstrong La.
Location Description:	N/S Armstrong Rd. 200' N Park Rd.

VIIOLATION INFORMATION:

Case No.	00-6671
Defendants:	Stefania Maldowski

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME ADDRESS

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

X 1. Complaint letter/memo/email/fax (if applicable)
X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
X 3. State Tax Assessment printout
4. State Tax Parcel Map (if applicable)
5. MVA Registration printout (if applicable)
6. Deed (if applicable)
7. Lease-Residential or Commercial (if applicable)
8. Photographs including dates taken
X 9. 2 Correction Notice/Code Violation Notice
10. Citation and Proof of Service (if applicable)
11. Certified Mail Receipt (if applicable)
12. Final Order of the Code Official/Hearing Officer (if applicable)
X 13. Building Permits
X 14. Engineer's survey of adjoining property.

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/jk
C: Code Enforcement Officer

CODE ENFORCEMENT REPORT 98-109 / 954462

DATE: 8 23 00 INTAKE BY: Letter CASE #: 00-6516 INSPEC: ~~16~~ 15

COMPLAINT LOCATION: 401 Armstrong Rd (Bowleys & Edwards)
Ron Kercacy 989 0445 ZIP CODE: 21220 DIST:

COMPLAINANT NAME: Anonymous PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: Building pier Check permits

IS THIS A RENTAL UNIT? YES ____ NO ____
IF YES, IS THIS SECTION 8? YES ____ NO ____
OWNER/TENANT INFORMATION:

TAX ACCOUNT #: ZONING:

INSPECTION: 8/28/00 Site Insp. - New Pier being built Approx. 12" above existing on same piles w/ new girders and stringers. Permit required because new structural elements installed. Also old pier must be removed

REINSPECTION: Except piles because it is in such bad shape that pieces are coming loose and floating down current, causing unsafe condition. VN# 118642 given to Occupant. Re-Check 8/29/00 Mrs. Malkowski's son made complaint against #403 9/11/00

REINSPECTION: 9/11/00 H/O at #403 Armstrong Sent Eng. Survey showing #401's pier is not compliant w/ Appendix "J". Also Permit B357141 has not been issued & work is 80% Complete. I Visited

REINSPECTION: site and handed Mrs. Malkowski VN# 121782 (See Attached). B427915 was Applied for and issued wrongfully by zoning later that day. I had it suspended per JRR (Zoning Var. required) RC both 9/26. Called & left message for Mrs. Malkowski to call me 9/13

CODE ENFORCEMENT REPORT

Page 2

DATE: 8/23/00 INTAKE BY: _____ CASE #: 00-6516 INSPEC: J Kemp

COMPLAINT LOCATION: 401 Armstrong

ZIP CODE: _____ DIST: _____

COMPLAINANT NAME: _____ PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: _____

OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: 9/26/00 Zoning Appl. date of 9/28 RC 10/5 — Zoning Cs. # 01-156-A RC 11/20/00

REINSPECTION:

REINSPECTION:

REINSPECTION:

Subject: Pier complaint
Date: Fri, 18 Aug 2000 15:20:12 EDT
From: [redacted]
To: [redacted]@co.ba.md.us

Dear sir or madam,

I would like to file an anonoymous complaint against the residents of 401 Armstrong road in Bowleys Quarters on Armstrong Creek. They have built a new pier over an existing pier. They have not taken down the old pier and I am getting pier lumber floating down the creek to my property, which can be hazardous to boaters traveling the waterways. After a closer observation of this pier, It is not built to the county code. PVC pipe is being used as pilings. This is going to cause more problems in our vicinity in the near future.

If this is not an adequate communication for an anonymous complaint, please email me with the proper procedure.

Get Your Private, Free E-mail from MSN Hotmail at http://www.hotmail.com

ATE: 08/23/2000 STANDARD ASSESSMENT INQUIRY (1) RA1001B
TIME: 11:05:52

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
18 00 002887	15	3-1	34-00	H	NO		04/25/00

MALKOWSKI STEFANIA

DESC-1.. IMPS
DESC-2.. HERMAN GUIDO PROPERTY
PREMISE. 00401 ARMSTRONG

401 ARMSTRONG RD

BALTIMORE MD 21220-2902 FORMER OWNER: GUIDO HERMAN G,SR LA 00000-0000

---------- FCV ----------			---------- PHASED IN ----------			
	PRIOR	PROPOSED		CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	107,580	117,330				
IMPV:	110,640	110,890	TOTAL..	221,553	88,620	87,280
TOTL:	218,220	228,220	PREF...	0	0	0
PREF:	0	0	CURT...	221,553	88,620	87,280
CURT:	218,220	228,220	EXEMPT.		0	0
DATE:	10/96	07/99				

---- TAXABLE BASIS ----		FM DATE
00/01 ASSESS:	88,620	03/28/00
99/00 ASSESS:	87,280	06/04/99
98/99 ASSESS:	86,320	06/05/98

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

TIME: 12:29:56 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1003M
DATE: 09/11/2000 GENERAL PERMIT APPLICATION DATA LAST UPDATE 10/21/1998
PLS 14:41:54

PERMIT #: B357141 PROPERTY ADDRESS
RECEIPT #: A371689 401 ARMSTRONG RD
CONTROL #: WF SUBDIV: HERMAN GUIDO PROPERTY
XREF #: B357141 TAX ACCOUNT #: 1800002887 DISTRICT/PRECINCT 15 19

OWNERS INFORMATION (LAST, FIRST)
FEE: 20.00 NAME: MALKOWSKI,STEPHANIA
PAID: 20.00 ADDR: 401 ARMSTRONG RD BALTO,MD 21220
PAID BY: APPL

DATES APPLICANT INFORMATION
APPLIED: 10/21/1998 NAME: STEPHANIA MALKOWSKI
ISSUED: NEVER COMPANY:
OCCPNCY: ADDR1: 401 ARMSTRONG RD
ADDR2: BALTO,MD 21220
INSPECTOR: 15R PHONE #: 410-344-1038 LICENSE #:
NOTES: COP/JB

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 12:30:04 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1004M
DATE: 09/11/2000 BUILDING DETAIL 1 LAST UPDATE 08/29/2000
PLK 11:37:51

DRC#
PERMIT # B357141 PLANS: CONST 0 PLOT 3 PLAT 0 DATA 0 EL 2 PL 2

TENANT
BUILDING CODE: 2 CONTR: OWNER
IMPRV 1 ENGNR:
USE 01 SELLR:

FOUNDATION BASE WORK: INSTALL 5 MOORING PILES & CONST 40'X20' "L"
ON END OF EX 70'PIER ON ARMSTRONG CREEK.
CONSTRUC FUEL SEWAGE WATER ARMY CORP & STATE PERMITS MAY BE REQUIRED FOR
2E 1E PROPOSED CONST.PLANS WAIVED-JMA.
CENTRAL AIR REPAIR 4'X70' EXISTING PIER.
ESTIMATED COST
1,500.00 PROPOSED USE: SFD & PIER EXTENSION/PILINGS
OWNERSHIP: 1 EXISTING USE: SFD & PIER
RESIDENTIAL CAT: 1
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:
1 FAMILY BEDROOMS:

PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

TIME: 12:30:36 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1018M
DATE: 09/11/2000 APPROVALS DETAIL SCREEN LAST UPDATE 10/28/1998
PDM 10:09:33

PERMIT #: B357141 CONTROL #:

AGENCY	DATE	CODE	COMMENTS
BLD INSP	10/21/1998	01	JMA/JB
ZONING	10/21/1998	01	CAM/JB
ENVRMNT PERMITS	10/28/1998	12	CBCA-X3980

PANEL BP1003M

TIME: 09:47:15 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/12/2000
DATE: 10/18/2000 GENERAL PERMIT APPLICATION DATA PDM 09.42:34

PERMIT #: B427915 PROPERTY ADDRESS
RECEIPT #: A415200 401 ARMSTRONG RD
CONTROL #: WP SUBDIV: HERMAN GUIDO PROPERTY
XREF #: B427915 TAX ACCOUNT #: 1800002887 DISTRICT/PRECINCT 15 19
OWNERS INFORMATION (LAST, FIRST)
FEE: 20.00 NAME: MALKOWSKI, STEPHANIA
PAID: 20.00 ADDR: 401 ARMSTRONG BALTIMORE MD 21220
PAID BY: APPL
DATES APPLICANT INFORMATION
APPLIED: 09/11/2000 NAME: STEPHANIA MALKOWSKI
ISSUED: 09/11/2000 COMPANY:
OCCPNCY: ADDR1: 401 ARMSTRONG ROAD
ADDR2: BALTIMORE MD 21220
INSPECTOR: 15R PHONE #: 410-344-1038 LICENSE #:
NOTES: VLC/TLM PERMIT SUSPENDED BY JRR PER ZONING DUE TO SETBACK PROBLEM.
SEE BRUNO

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

PANEL BP1004M

TIME: 09.47:28 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/12/2000
DATE: 10/18/2000 BUILDING DETAIL 1 PLR 09.43:10

DRC#
PERMIT # B427915 PLANS: CONST 00 PLOT 1 PLAT 0 DATA 0 EL 2 PL 2
TENANT
BUILDING CODE: 2 CONTR: OWNER
IMPRV 1 ENGNR:
USE 07 PIER SELLR:

FOUNDATION BASE WORK: REPAIR EXISTING PIER AND ADD 18'X11' "L"
SHAPED PIER ON ARMSTRONG CREEK AND 5 MOURING
CONSTRUC FUEL SEWAGE WATER PILES.ARMY CORPS AND STATE PERMITS MAY BE
2E 1E REQUIRED FOR THE PROPOSED CONSTRUCTION.
CENTRAL AIR REFER TO EXPIRED B357141 FOR PLANS.WORK COM-
ESTIMATED COST LETE,FILED TO COMPLY W/DEPRM.
1500.00 PROPOSED USE: SFD & PIER & PILINGS
OWNERSHIP: 1 EXISTING USE: SFD
RESIDENTIAL CAT: 1
SEFF #1BED: #2BED: #3BED: TOT BED: TOT APTS.
1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

PANEL BP1005M

TIME: 09:47:35 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/12/2000
DATE: 10/18/2000 BUILDING DETAIL 2 PLR 09:43:10

PERMIT #: B427915

BUILDING SIZE
FLOOR: 0
WIDTH:
DEPTH:
HEIGHT:
STORIES:

LOT NOS: 6
CORNER LOT:

BLOCK:
SECTION:
LTREF: 004

LOT SIZE AND SETBACKS
SIZE: 64,335
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 19'/15'
SIDE STR SETB:
REAR SETB: NC

ASSESSMENTS
LAND: 0117630.00
IMPROVEMENTS: 0110890.00
TOTAL ASS:

GARBAGE DISP:
POWDER ROOMS:
BATHROOMS:
KITCHENS:

ZONING INFORMATION
DISTRICT:
PETITION:
DATE:

MAP: FOLIO: 127
CLASS: 34

PLANNING INFORMATION

MSTR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

Code Enforcement: 410-887-3351 Extension _____
Building Inspection 410-887-3953

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

Violation Notice No. 118642

Case No.

VIOLATION(S) OF TITLE 3, 7, 18, 24 OR 26 OF THE BALTIMORE COUNTY CODE, ZONING OR OTHER CODES, REGULATIONS AND POLICIES AS INDICATED BELOW:

Election District 4 Permit No.

Name (s)

Address

Location of Violation (if different than address) 201 Arnold Rd

Vehicle ID:

Vehicle License No.:

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code: Fines for Construction w/o Permits
§§ 7-36
§§

Zoning Regulations
§§
§§

Building Code (BOCA):
§§ 109.0 "Unsafe Structure"
§§

Livability Code (. 18-66):
§§
§§

Investment Property Act (. 7-66):
§§

Electrical Code (NEC):
§§

Plumbing Code (NSPC):
§§

Dwelling (CABO):
§§ 111.1 Permit required

Other §§

COMMENTS OR OTHER VIOLATIONS:

Secure Permit for the removal & replacement of the structural elements of existing pier. Also, remove existing pier from under new. Subject to $1,000.00 plus $200.00/Day Fine if not brought into compliance

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFOR _____ FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED (THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: _____ INSPECTOR: _____

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIC YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PRC PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF C INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: 9/11/00

DATE ISSUED: 8/28/00 INSPECTOR: Jim Kemp

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE PLEASE READ CAREFULLY.

DEFENDAN

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351, Extension _____
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE BALTIMORE COUNTY CODE, ZONING, OR OTHER CODES, REGULATIONS AND POLICIES AS INDICATED BELOW.

Violation Notice No. 121782

Case No. _____

Election District 15 Permit No. B357141

Name (s) Stepsania Malkowski

Address 401 Armstrong Rd

Location of Violation (if different than address) _____

Vehicle License No.: _____ Vehicle ID: _____

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code: Fines for construction §§ 7-36 w/o permit
§§ _____

Zoning Regulations:
§§ _____
§§ _____

Building Code (BOCA):
§§ _____
§§ _____

Livability Code (18-66):
§§ _____
§§ _____

Investment Property Act (7-66):
§§ _____

Electrical Code (NEC):
§§ _____

Plumbing Code (NSPC):
§§ _____

Dwelling (CABO):
§§ 111.1 "Permit required"

Other: §§ _____

COMMENTS OR OTHER VIOLATIONS:

Permit B357141 has not been issued and work is 80% complete. Secure Permit or remove addition to pier. Note: Zoning Variance will be required as pier is less than 10' to extended property line. "Subject to $1,000 plus $200.00/Day. Fine if not brought into compliance."

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE 9/26/00 FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: 9/11/00 INSPECTOR: Jim Kemp

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT.

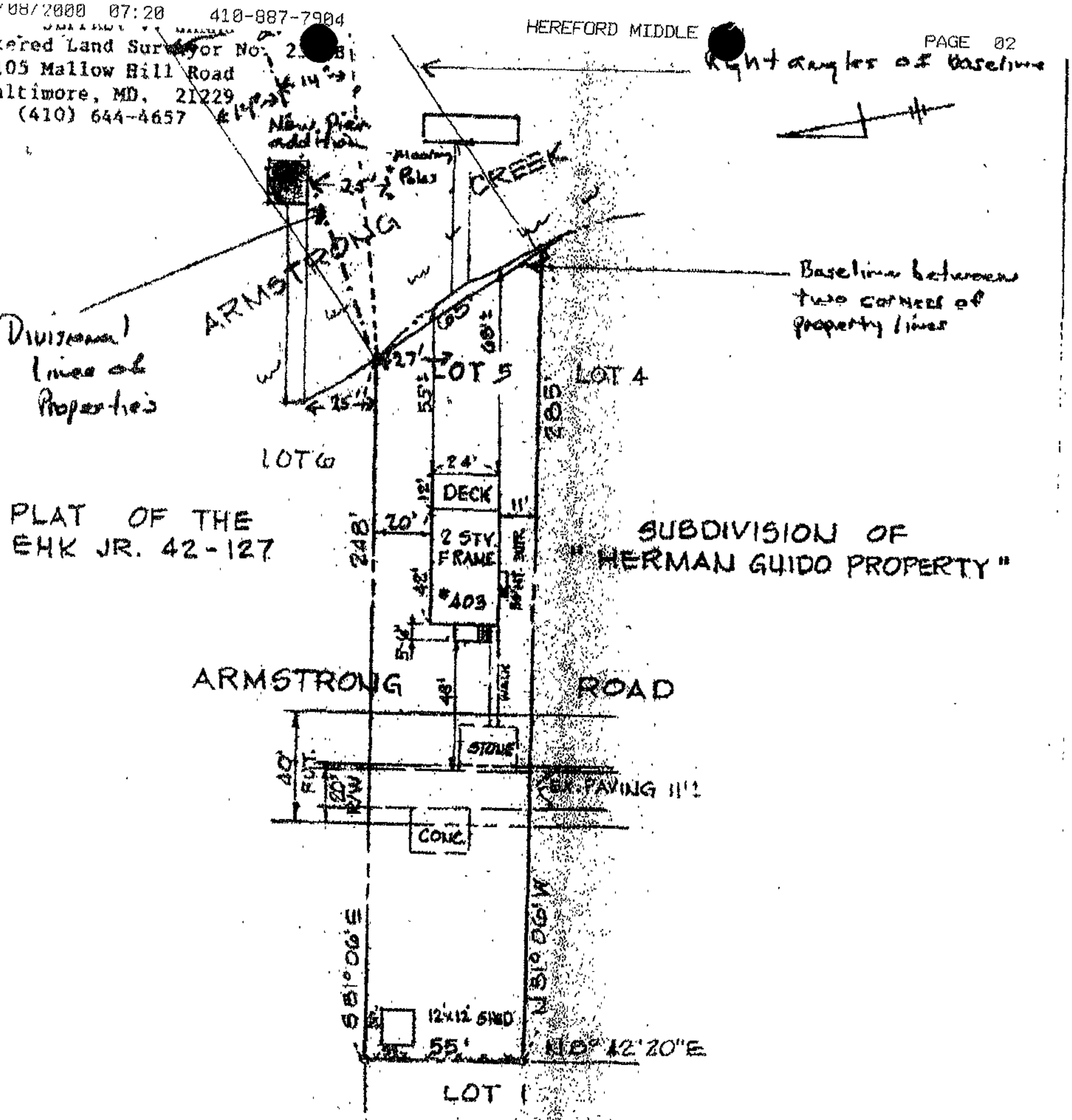
THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: _____

DATE ISSUED: _____ INSPECTOR: _____

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE PLEASE READ CAREFULLY.

DEFENDANT

Registered Land Surveyor No. 238
105 Mallow Hill Road
Baltimore, MD. 21229
(410) 644-4657



This is to certify that I have surveyed the property shown hereon, known as 403 Armstrong Road, located in the 15th Election District of Baltimore County, Maryland, for the purpose of locating the improvements only and the improvements are located as shown. Exact property corners have not been established or set.

The subject property lies within the limits of Flood Hazard Zone A10 and Zone B as shown on Flood Insurance Rate Map No. 240010 04358 dated March 2, 1981.

Westminster, this 16th day of July, 1993.

JEFFREY V. JARAS

R.P.L.S. No. 238-B

SCALE: 1" = 50'

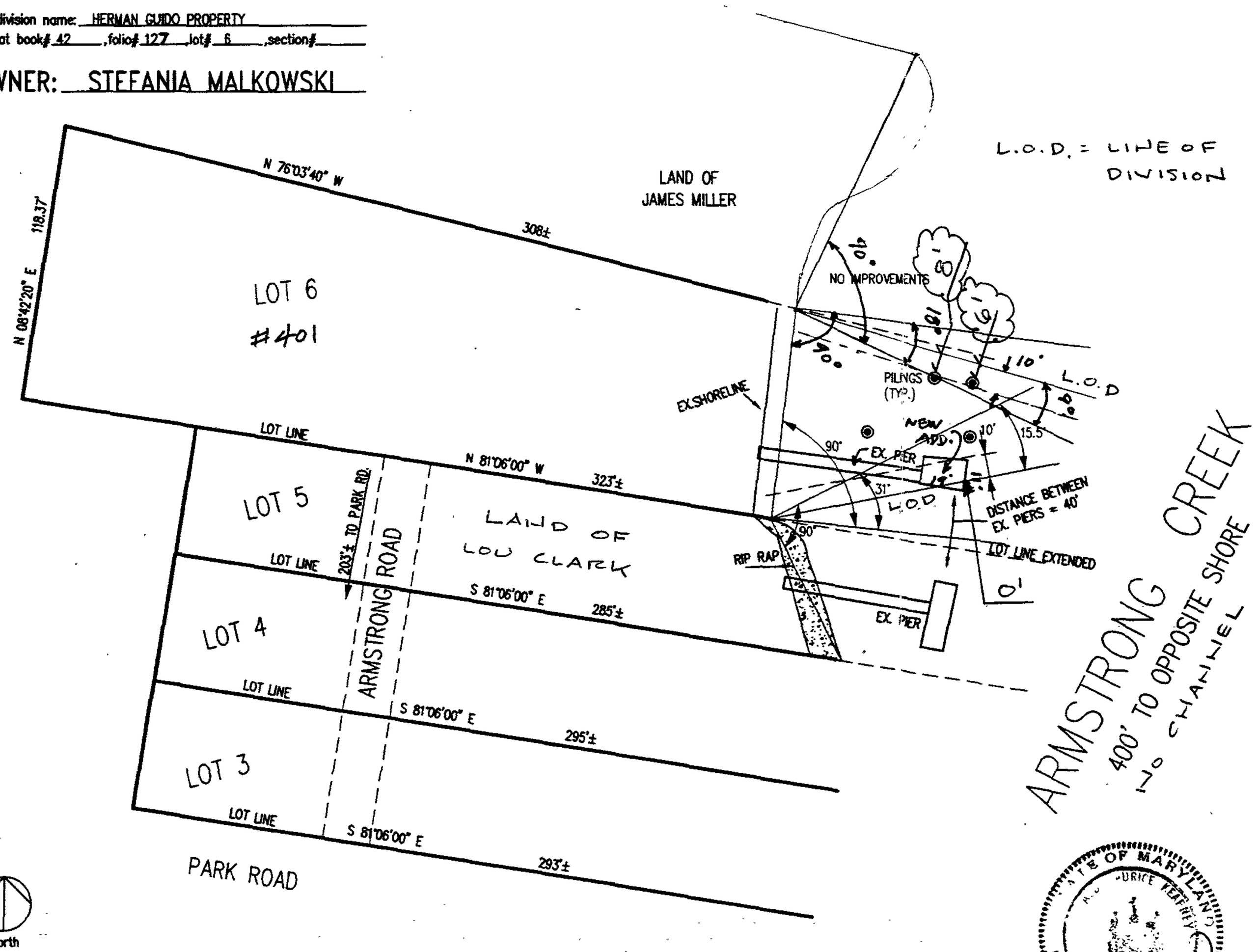
Plat to accompany Petition for Zoning [X] Variance [ ] Special Hearing

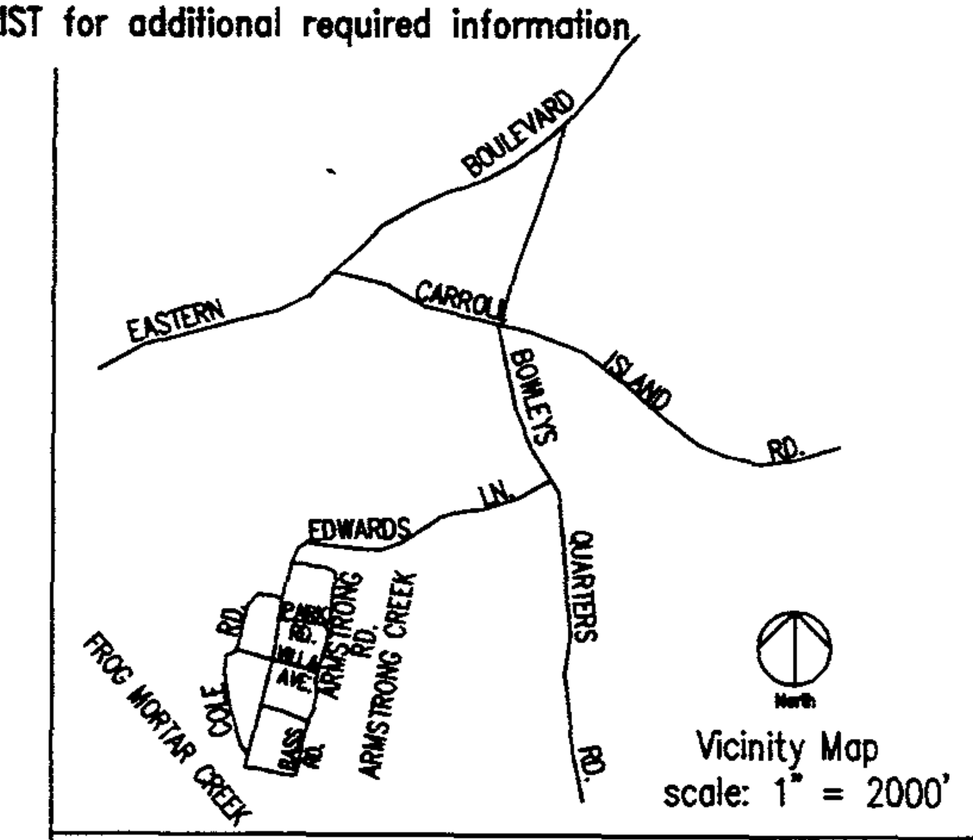
PROPERTY ADDRESS: 401 ARMSTRONG RD.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: HERMAN GUIDO PROPERTY
plat book# 42, folio# 127, lot# 6, section#

OWNER: STEFANIA MALKOWSKI





Vicinity Map
scale: 1" = 2000'

LOCATION INFORMATION

Counclimanic District: 5

Election District: 15

1" = 200' scale map#: NE-4K

Zoning: DR-5.5

Lot size: 0.70 ± acreage 33,000 ± square feet

	public	private
SEWER:	[X]	[ ]
WATER:	[X]	[ ]

	yes	no
Cheapeake Bay Critical Area:	[X]	[ ]

Prior Zoning Hearings: NONE

VIOLATION NO.: 118642

Zoning Office USE ONLY!

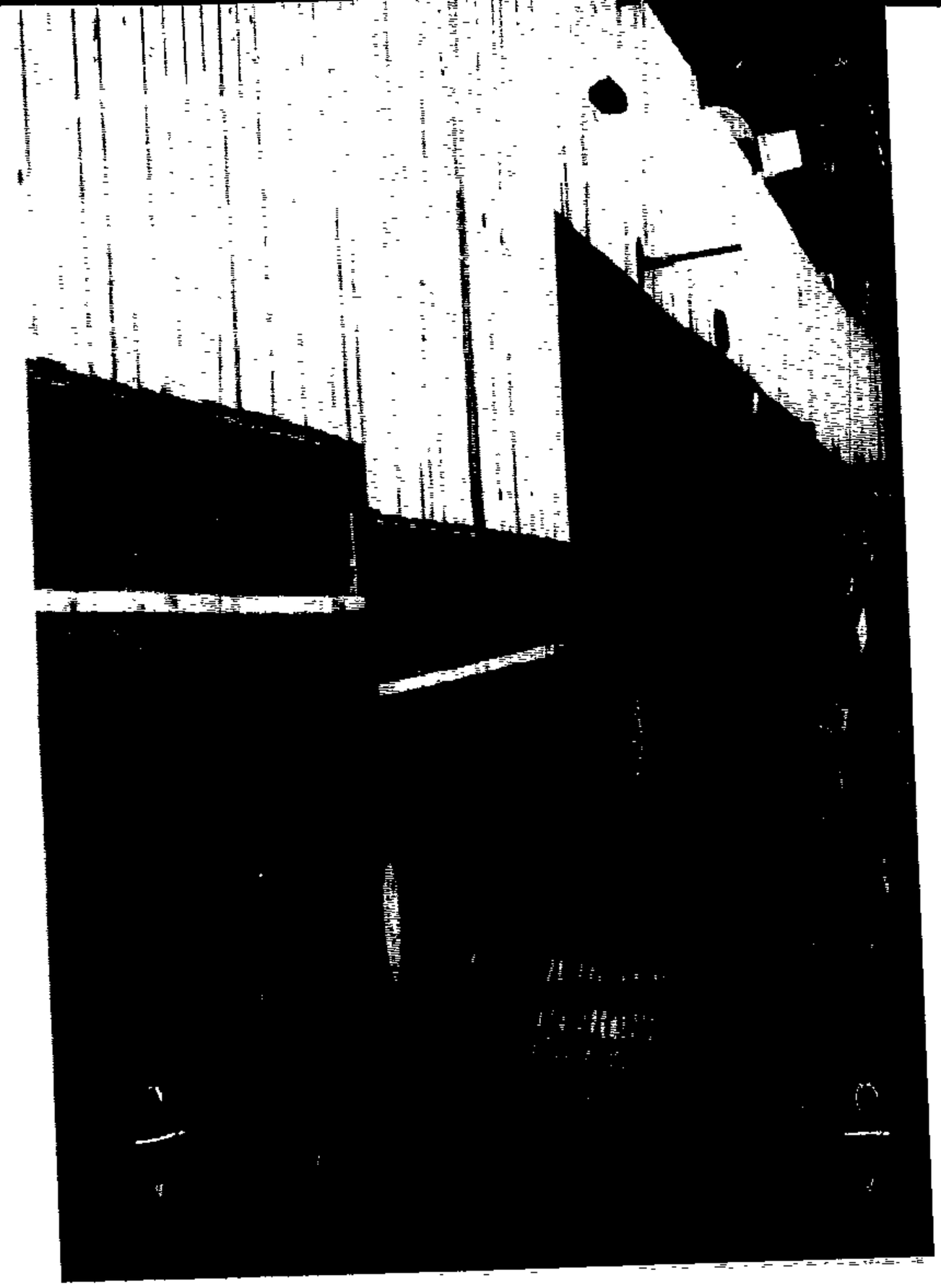
reviewed by:	ITEM #:	CASE#:
LTM	156	01-156A

date: 9/28/00 REV. 10/3/00

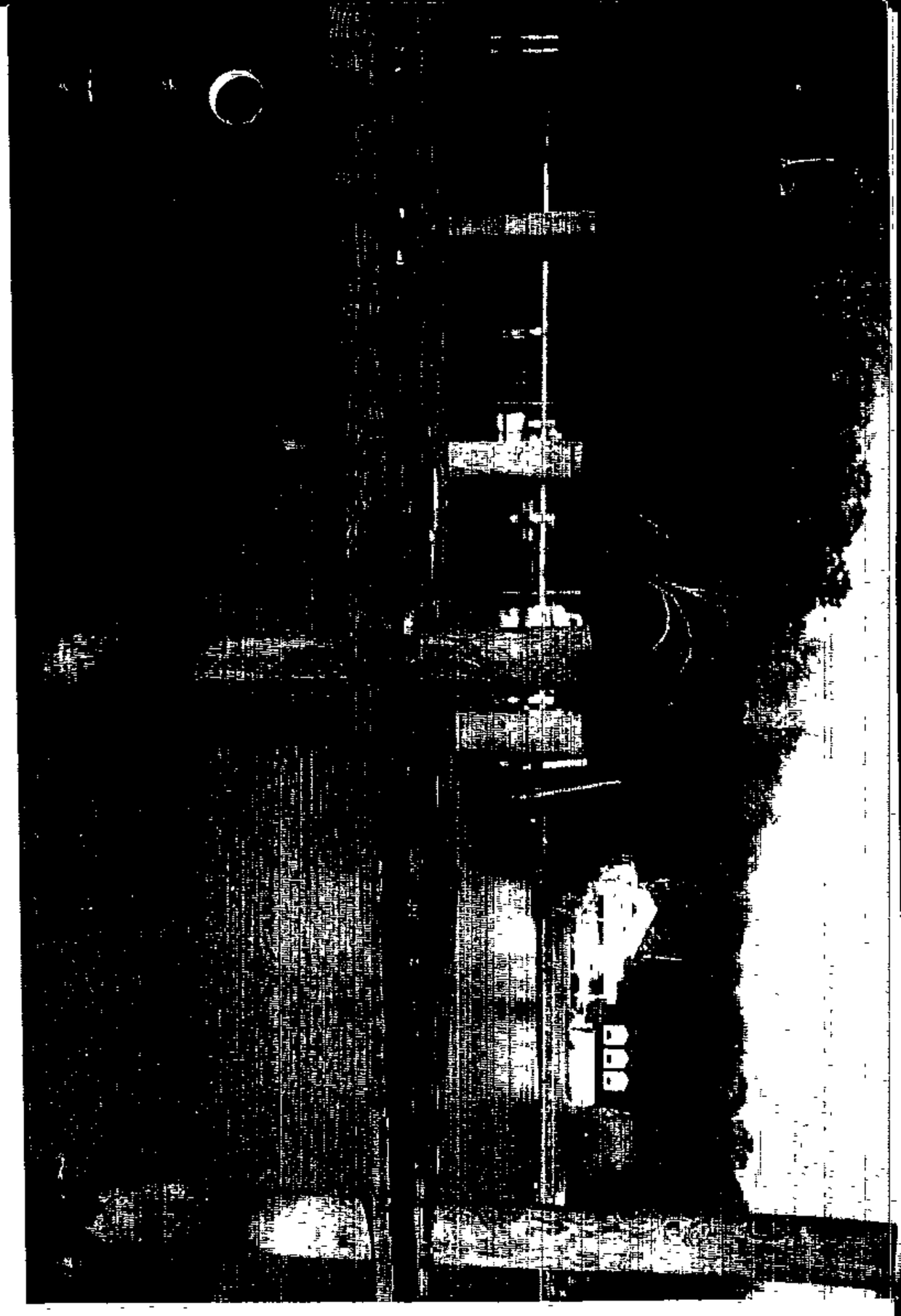
prepared by: J.E.C. Scale of Drawing: 1"= 50'

01-156-A

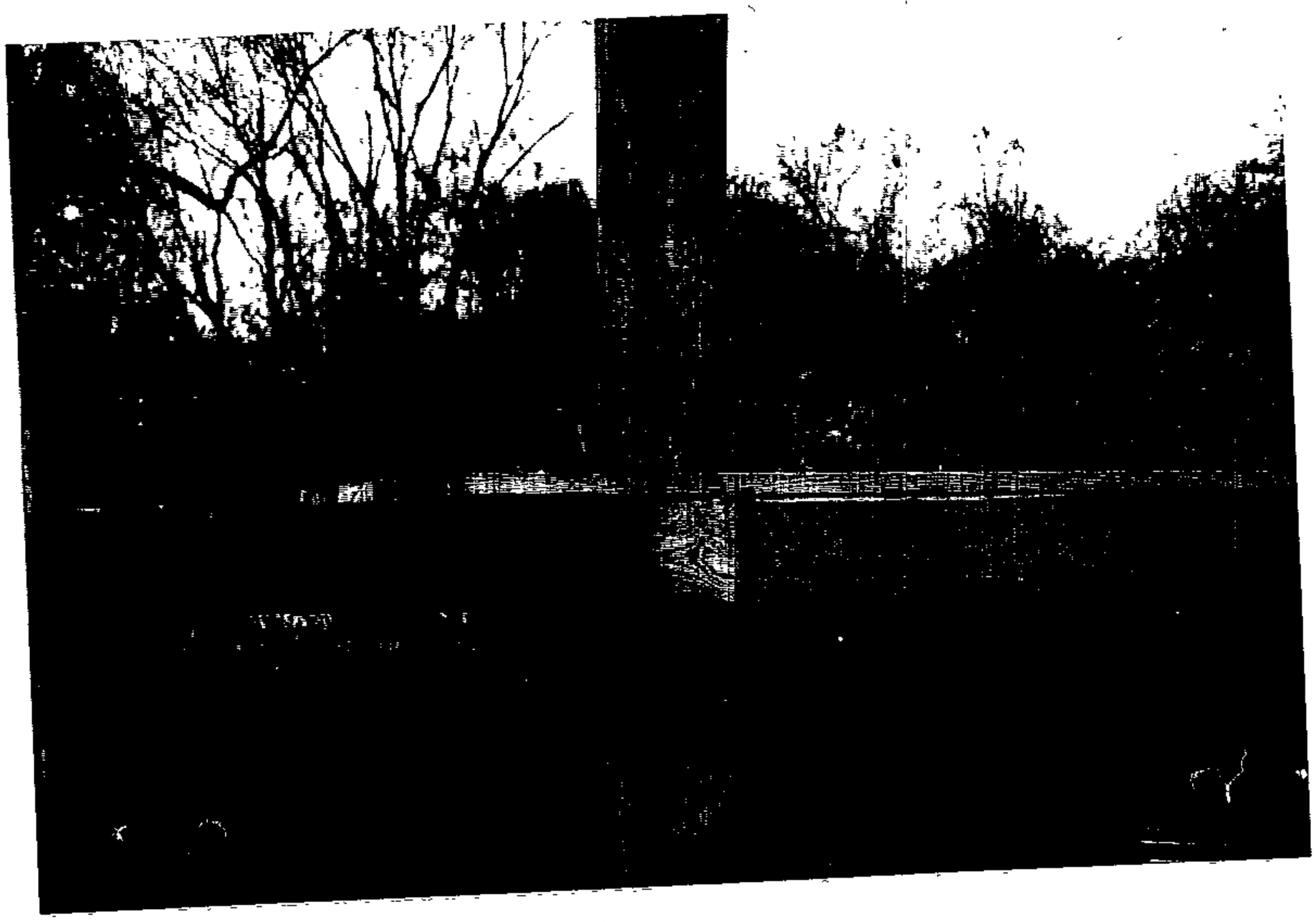
Pet Ex #1



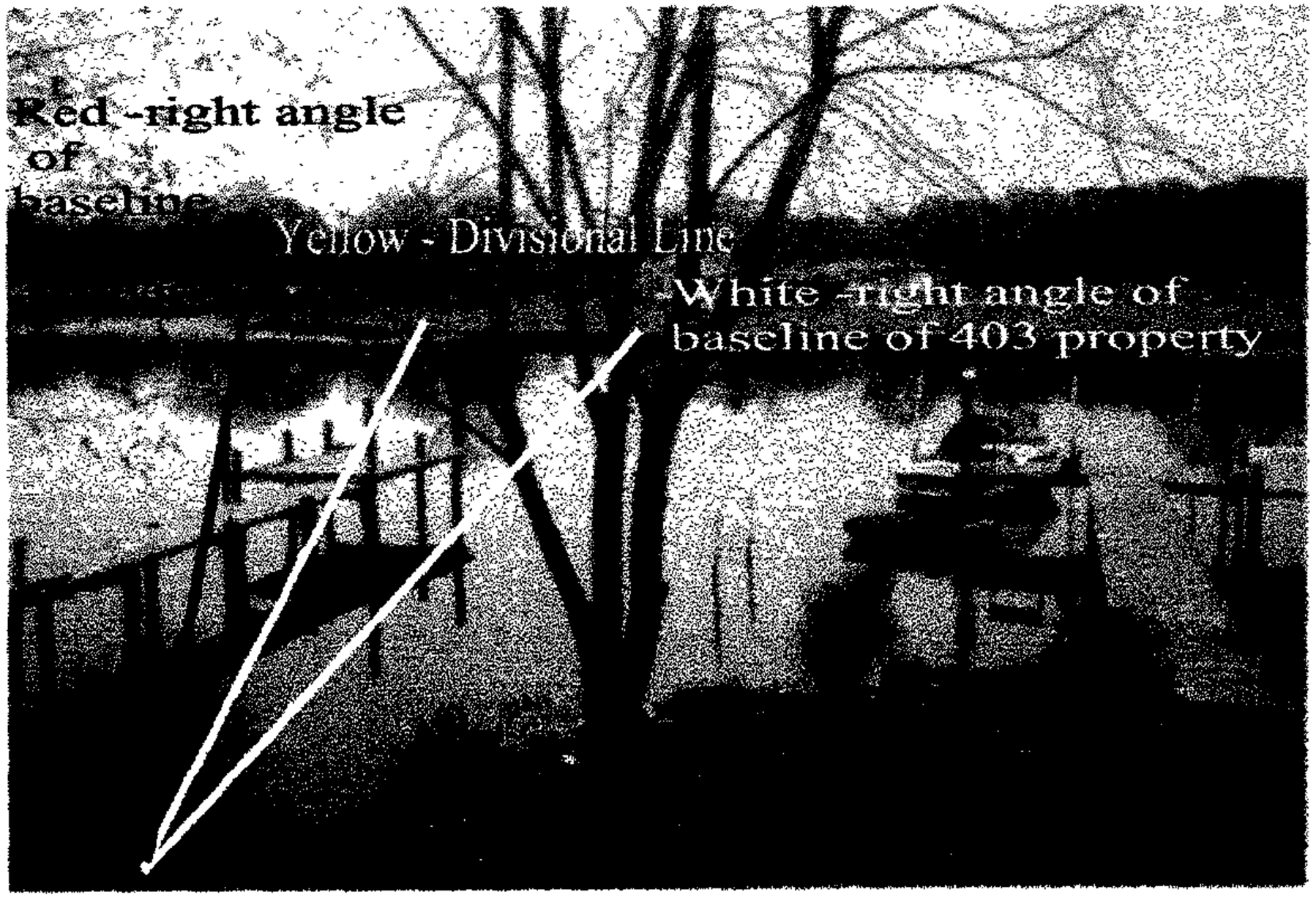
#2



#4



#3


Red -right angle
of
baseline
Yellow - Divisional Line
White -right angle of
baseline of 403 property

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Stefania Malkowski
Case No.: 01-156-A

DATE: April 11, 2002

BOARD/PANEL:

Charles L. Marks	CLM
C. Lynn Barranger	CLB
Lawrence M. Stahl	LMS

RECORDED BY: Theresa R. Shelton / Legal Secretary

PURPOSE: To deliberate the restriction only with regards to use of the pier on the south-side.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- Divisional lines; irregular lines; piers being built years ago; nature of curvature
- Decision was fair and equitable
- If Variance was not granted, then pier would have been torn down; with the variance being granted and the pier remaining, the restriction was put in place to be fair to those impacted by the granting of the variance.
- Small jet skis are allowed on south side
- Clark's property needs and ingress and egress – you can't deprive a neighbor of getting boats in and out.
- Two docking areas remain versus what is lost
- That the Board would have made the same decision, and impose the same condition

DECISIONS BY BOARD MEMBERS:

CLM – Affirmed restriction in connection with the grating of the variance.
CLB - Affirmed restriction in connection with the grating of the variance.
LMS - Affirmed restriction in connection with the grating of the variance.

FINAL DECISION: The Board of Appeals unanimous upheld the decision of the Zoning Officer and all members of the Board were in Agreement that they would have imposed the same condition. Restriction to remain as part of the variance that was granted.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Theresa R. Shelton

Theresa R. Shelton
County Board of Appeals

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

January 8, 2002

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-156-A

IN THE MATTER OF: ***Stefania Malkowski*** **-Legal Owne**
401 Armstrong Road
15th Election District; 7th Councilmanic District

12/13/2000 – D.Z.C.'s Order in which variance request was GRANTED with restrictions **(APPEALED BY PETITIONER ONLY AS TO RESTRICTION IMPOSED)**

which was assigned to be heard on 1/22/02 has been **POSTPONED** at the request of Counsel for Petitioner due to Circuit Court conflict; and has been

REASSIGNED FOR: **WEDNESDAY, FEBRUARY 13, 2002 at 10:00 a.m.**

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

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

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

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner : Raymond M. Atkins, Jr., Esquire
Appellant /Petitioner : Stefania Malkowski

Teresa Needle
Louis M. Clark
Robert J. Palmer
Donald J. Cox
Douglas Stevens

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt, Zoning Commissioner
Jim Kemp, CIE /PDM #00-6671
Arnold Jablon, Director /PDM

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on Recycled Paper

County Board of Appeals of Baltimore County

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

pp'd to 2/13/02 @ 10 am

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 27, 2001

Request of Counsel for Petitioner

NOTICE OF ASSIGNMENT

CASE #: 01-156-A

IN THE MATTER OF: ***Stefania Malkowski*** **-Legal Owne**
401 Armstrong Road
15th Election District; 7th Councilmanic District

12/13/2000 – D.Z.C.'s Order in which variance request was GRANTED with *restrictions* **(APPEALED BY PETITIONER ONLY AS TO RESTRICTION IMPOSED)**

ASSIGNED FOR: **TUESDAY, JANUARY 22, 2002 at 10:00 a.m.**

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

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

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

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant/Petitioner : Stefania Malkowski

Teresa Needle
Louis M. Clark
Robert J. Palmer
Donald J. Cox
Douglas Stevens

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt, Zoning Commissioner
Jim Kemp, CIE /PDM #00-6671
Arnold Jablon, Director /PDM

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on Recycled Paper

Raymond M. Atkins, Jr.
Attorney At Law
105 W. Chesapeake Avenue
Jefferson Bldg., Suite 102
Towson, Maryland 21204

Telephone (410) 321-7117 Fax (410) 821-9245

January 7, 2002

County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: IN THE MATTER OF: Stefania Malkowski
401 Armstrong Road

To Sir/Madam:

Please be advised that I have just been retained to represent the above captioned in an Appeal which has been set for hearing on January 22, 2002.

To be properly prepared in this matter for presentation, I am requesting a postponement. In addition, on the date that it is presently scheduled for, I am scheduled to be in the Circuit Court for Baltimore County, in the Matter of John Erik Limpert.

This is a very important matter for Ms. Malkowski and there are documents which I believe are pertinent which I have set about obtaining, on today's date, which would clearly enhance the Appellant review procedure.

I deeply appreciate your kind consideration of my request for postponement in this matter. Would you be so kind as to contact my secretary with respect to rescheduling this matter. I thereby can insure that there would be no future conflicts in scheduling.

Sincerely,

Raymond M. Atkins, Jr.

Raymond M. Atkins, Jr.

RMA:jah
cc: Robert J. Palmer, 415 Armstrong Road, Baltimore, Md. 21220
Ronald J.Cox, 405 Armstrong Road, Baltimore, Md. 21220
Douglas Stevens, 3415 Park Road, Baltimore, Md. 21220
Teresa Needle, 1508 Denton Road, Baltimore, Md. 21221
Peoples Counsel, Peter Zimmerman & Carole S. Demilio, 400 Washington Ave.
Towson, Md. 21204

JAN -7 PM 4:21

Re: PETITION FOR VARIANCE 401 Armstrong Road, N/S Armstrong Rd, 200' N of Park Rd. 15th Election District, 7th Councilmanic	* * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY
Legal Owner: Stefanie Malkowski Petitioner(s)	* *	BALTIMORE COUNTY Case No: 01-156-A

* * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the undersigned as counsel for the Petitioner in the above captioned matter.

Raymond M. Atkins

Raymond M. Atkins, Jr.
105 W. Chesapeake Avenue
Suite 102
Towson, Maryland 21204
(410) 321-7117

CERTIFICATION

I HEREBY CERTIFY that on this 7th day of January, 2002, a copy of the Entry of Appearance was sent postage prepaid, 1st class U.S. mail to the following:

Robert J. Palmer 415 Armstrong Road Baltimore,Md. 21220	Ronald J. Cox 405 Armstrong Road Baltimore, Md. 21220	Douglas Stevens 3415 Park Road Baltimore, Md. 21220	Teresa Needle 1508 Dentron Road Baltimore, Md. 21221

And Peoples Counsel Peter Zimmerman & Carole S. Demilio
400 Washington Avenue, Room 47
Towson, Md. 21204

Raymond M. Atkins

Raymond M. Atkins, Jr.

Baltimore County
Department of Permits and
Development Management

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

January 26, 2001

Mr. Louis M. Clark
403 Armstrong Road
Baltimore, MD 21220

RECEIVED
COUNTY BOARD OF APPEALS
01 JAN 29 AM 11:33

Dear Mr. Clark:

RE: Case No. 01-156-A, 401 Armstrong Road

Please be advised that an appeal of the above-referenced case was filed in this office on January 9, 2001 by Stefania Malkowski. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,

GDZ

Arnold Jablon
Director

AJ: gdz

c: Stefania Malkowski, 401 Armstrong Road, Baltimore 21220
Robert J. Palmer, 415 Armstrong Road, Baltimore 21220
Ronald J. Cox, 405 Armstrong Road, Baltimore 21220
Douglas Stevens, 3415 Park Road, Baltimore 21220
Teresa Needle, 1508 Denton Road, Baltimore 21221
People's Counsel

Printed with Soybean Ink
on Recycled Paper

01-156-A
Markowski

Petitioner's	2A - 2D	(4 photos)	17 photos
"	4A - 4C	(3 photos)	
"	5A - 5D	(4 photos)	
"	8A - 8B	(2 photos)	
"	9	(1 photo)	
"	10A - 10B	(2 photos)	
"	11	(1 photo)	

2 12'02

2 12'02

APPEAL

Petition for Variance
401 Armstrong Road
N/S Armstrong Road, 200' N of Park Road
15th Election District – 7th Councilmanic District
Stefania Malkowski - Legal Owner
Case Number: 01-156-A

RECEIVED
COUNTY BOARD OF APPEALS
01 JAN 29 AM 11:36

Petition for Variance (filed10/5/00)

Description of Property

Notice of Zoning Hearing (dated 10/16/00)

Certification of Publication (11/9/00 – The Jeffersonian)

Certificate of Posting (11/9/00 – by Thomas A Ogle)

Entry of Appearance by People's Counsel (dated 10/18/00)

Citizen(s) Sign-In Sheet (1 Page)

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1	Plat to Accompany Petition for Zoning Variance (Revised 10/3/00)
2 A,B,C,D – 6	Photographs of Property (7 pages)

Misc. (Not Marked as Exhibits):

- 4 Photographs
- Division of Code Inspections and Enforcement Active Violation Case Documents for 401 Armstrong Lane
- Typical Pier Construction Drawing
- Memo to Ms. Stefanie Malkowski from Lloyd T. Moxley, Planner II, dated 10/10/00

Deputy Zoning Commissioner's Order dated 12/13/00 (Granted with Restrictions)

Notice of Appeal received on 01/9/01 from Stefania Malkowski

✓E

c: Stefania Malkowski, 401 Armstrong Road, Balto., MD 21220
Teresa Needle, 1508 Denton Road, Balto., MD 21220
Louis M. Clark, 403 Armstrong Road, Balto., MD 21220
Robert J. Palmer, 415 Armstrong Road, Balto., MD 21220
Donald J. Cox, 405 Armstrong Road, Balto., MD 21220
Douglas Stevens, 3415 Park Road, Balto., MD 21220
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: October 18, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT:

Item No.:	156
Legal Owner/Petitioner:	Malkowski, Stefania
Contract Purchaser:	
Property Address:	401 Armstrong La.
Location Description:	N/S Armstrong Rd. 200' N Park Rd.

VIIOLATION INFORMATION:

Case No.	00-6671
Defendants:	Stefania Maldowski

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME ADDRESS

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

X 1. Complaint letter/memo/email/fax (if applicable)
X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
X 3. State Tax Assessment printout
4. State Tax Parcel Map (if applicable)
5. MVA Registration printout (if applicable)
6. Deed (if applicable)
7. Lease-Residential or Commercial (if applicable)
8. Photographs including dates taken
X 9. 2 Correction Notice/Code Violation Notice
10. Citation and Proof of Service (if applicable)
11. Certified Mail Receipt (if applicable)
12. Final Order of the Code Official/Hearing Officer (if applicable)
X 13. Building Permits
X 14. Engineer's survey of adjoining property.

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/jk
C: Code Enforcement Officer

CODE ENFORCEMENT REPORT 98-109 / 954462

DATE: 8 23 00 INTAKE BY: Letter CASE #: 00-6516 INSPEC: ~~16~~ 15

COMPLAINT LOCATION: 401 Armstrong Rd (Bowleys & Edwards)
Ron Kearney Engineer 989 0445 ZIP CODE: 21220 DIST:

COMPLAINANT NAME: Anonymous PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: Building pier Check permits

IS THIS A RENTAL UNIT? YES NO
IF YES, IS THIS SECTION 8? YES NO
OWNER/TENANT INFORMATION:

TAX ACCOUNT #: ZONING:

INSPECTION: 8/28/00
Site Insp. - New Pier being built Approx. 12" above existing on same piles w/ new girders and stringers. Permit required because new structural elements installed. Also old pier must be removed

REINSPECTION: Except piles because it is in such bad shape that pieces are coming loose and floating down current causing unsafe condition VN# 118645 given to Occupant. Re-Check 8/29/00 Mrs. Malkowski's Son made complaint against #403

REINSPECTION: 9/11/00 H/O at #403 Armstrong Sent Eng. Survey showing #401's pier is not complaint w/ Appendix "J". Also Permit B357141 has not been issued & work is 80% Complete. I Visited

REINSPECTION:
site and handed Mrs. Malkowski VN# 121782 (See Attached). B427915 was Applied for and issued wrongfully by zoning later that day I had it suspended. Per DRR (Zoning Var. required)

CODE ENFORCEMENT REPORT

Page 2

DATE: 8/23/00 INTAKE BY: _____ CASE #: 00-6516 INSPEC: J Kemp

COMPLAINT LOCATION: 401 Armstrong

ZIP CODE: _____ DIST: _____

COMPLAINANT NAME: _____ PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: _____

OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: 9/26/00 Zoning Appl. date of 9/28 RC 10/5 — Zoning Cs. # 01-156-A RC 11/20/00

REINSPECTION:

REINSPECTION:

REINSPECTION:

Subject: Pier complaint
Date: Fri, 18 Aug 2000 15:20:12 EDT
From: [redacted]
To: [redacted]@co.ba.md.us

Dear sir or madam,

I would like to file an anonoymous complaint against the residents of 401 Armstrong road in Bowleys Quarters on Armstrong Creek. They have built a new pier over an existing pier. They have not taken down the old pier and I am getting pier lumber floating down the creek to my property, which can be hazardous to boaters traveling the waterways. After a closer observation of this pier, It is not built to the county code. PVC pipe is being used as pilings. This is going to cause more problems in our vicinity in the near future.

If this is not an adequate communication for an anonymous complaint, please email me with the proper procedure.

Get Your Private, Free E-mail from MSN Hotmail at http://www.hotmail.com

ATE: 08/23/2000
TIME: 11:05:52

STANDARD ASSESSMENT INQUIRY (1)

RA1001B

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
18 00 002887	15	3-1	34-00	H	NO		04/25/00

MALKOWSKI STEFANIA

DESC-1.. IMPS
DESC-2.. HERMAN GUIDO PROPERTY
PREMISE. 00401 ARMSTRONG

401 ARMSTRONG RD

BALTIMORE MD 21220-2902 FORMER OWNER: GUIDO HERMAN G,SR LA 00000-0000

FCV	PRIOR	PROPOSED
LAND:	107,580	117,330
IMPV:	110,640	110,890
TOTL:	218,220	228,220
PREF:	0	0
CURT:	218,220	228,220
DATE:	10/96	07/99

PHASED IN	CURR FCV	CURR ASSESS	PRIOR ASSESS
TOTAL..	221,553	88,620	87,280
PREF...	0	0	0
CURT...	221,553	88,620	87,280
EXEMPT.		0	0

TAXABLE BASIS		FM DATE
00/01 ASSESS:	88,620	03/28/00
99/00 ASSESS:	87,280	06/04/99
98/99 ASSESS:	86,320	06/05/98

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

TIME: 12:29:56 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1003M
DATE: 09/11/2000 GENERAL PERMIT APPLICATION DATA LAST UPDATE 10/21/1998
PLS 14:41:54

PERMIT #: B357141
RECEIPT #: A37/1689
CONTROL #: WF
XREF #: B357141

FEE: 20.00
PAID: 20.00
PAID BY: APPL

DATES
APPLIED: 10/21/1998
ISSUED: NEVER
OCCPNCY:

INSPECTOR: 15R
NOTES: COP/JB

PROPERTY ADDRESS
401 ARMSTRONG RD
SUBDIV: HERMAN GUIDO PROPERTY
TAX ACCOUNT #: 1800002887 DISTRICT/PRECINCT 15 19

OWNERS INFORMATION (LAST, FIRST)
NAME: MALKOWSKI,STEPHANIA
ADDR: 401 ARMSTRONG RD BALTO,MD 21220

APPLICANT INFORMATION
NAME: STEPHANIA MALKOWSKI
COMPANY:
ADDR1: 401 ARMSTRONG RD
ADDR2: BALTO,MD 21220
PHONE #: 410-344-1038 LICENSE #:

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 12:30:04 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1004M
DATE: 09/11/2000 BUILDING DETAIL I LAST UPDATE 08/29/2000
PLK 11:37:51

PERMIT # B357141 PLANS: CONST 0 PLOT 3 DRC# PLAT 0 DATA 0 EL 2 PL 2

BUILDING CODE: 2
IMPRV 1
USE 01

TENANT
CONTR: OWNER
ENGNR:
SELLR:

FOUNDATION BASE WORK: INSTALL 5 MOORING PILES & CONST 40'X20' "L"
ON END OF EX 70'PIER ON ARMSTRONG CREEK.
ARMY COPP & STATE PERMITS MAY BE REQUIRED FOR
PROPOSED CONST.PLANS WAIVED-JMA.
REPAIR 4'X70' EXISTING PIER.

CONSTRUC FUEL SEWAGE WATER
2E 1E
CENTRAL AIR
ESTIMATED COST
1,500.00
OWNERSHIP: 1
RESIDENTIAL CAT: 1

PROPOSED USE: SFD & PIER EXTENSION/PILINGS
EXISTING USE: SFD & PIER

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:
1 FAMILY BEDROOMS:

PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

TIME: 12:30.36 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1018M
DATE: 09/11/2000 APPROVALS DETAIL SCREEN LAST UPDATE 10/28/1998
PDM 10:09:33

PERMIT #: B357141 CONTROL #:

AGENCY	DATE	CODE	COMMENTS
BLD INSP	10/21/1998	01	JMA/JB
ZONING	10/21/1998	01	CAM/JB
ENVRMNT	10/28/1998	12	CBCA-X3980
PERMITS			

TIME: 09:47:15 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/12/2000
DATE: 10/18/2000 GENERAL PERMIT APPLICATION DATA PLR 09:39:54

PERMIT #: B427915 PROPERTY ADDRESS
RECEIPT #: A415200 401 ARMSTRONG RD
CONTROL #: WP SUBDIV. HERMAN GUIDO PROPERTY
XREF #: B427915 TAX ACCOUNT #: 1800002380 DISTRICT EFFECTIVE 15 09
OWNERS INFORMATION (LAST, FIRST)
FEE: 20.00 NAME: MALKOWSKI, STEPHANIE
PAID: 20.00 ADDR. 401 ARMSTRONG, BALTIMORE MD 21220
PAID BY. APPL
DATES APPLICANT INFORMATION
APPLIED. 09/11/2000 NAME: STEPHANIA MALKOWSKI
ISSUED: 09/11/2000 COMPANY.
OCCPNCY: ADDR1: 401 ARMSTRONG ROAD
ADDR2: BALTIMORE MD 21220
INSPECTOR: 15R PHONE #: 410-344-1058 LICENSE #
NOTES: VLC/ILM PERMIT SUSPENDED BY JRR PER ZONING DUE TO SETBACK PROBLEM.
SEE BRUNO

PASSWORD

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME 09:47:28 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/12/2000
DATE. 10/18/2000 BUILDING DETAIL 1 PLR 09:43:10

DELE
PERMIT # B427915 PLANS: CONST 00 FLUI 1 FLGI 0 DATA 0 PL 1 PL 2
TENANT
BUILDING CODE: 2 CONTR: OWNER
IMPRV 1 ENGNR
USE 07 PIER SELLR:

FOUNDATION BASE WORK: REPAIR EXISTING PIER AND ADD EXPANDED "L"
SHAPED PIER ON ARMSTRONG CREEK AND 5 MOORING
CONSTRUC FUEL SEWAGE WATER PILES.ARMY CORPS AND STATE PERMITS MAY BE
2E 1E REQUIRED FOR THE PROPOSED CONSTRUCTION
CENTRAL AIR REFER TO EXPIRED B327144 FOR PLANS.WORK COM-
ESTIMATED COST LETE,FILED TO COMPLY W/DEPM.
150.00 PROPOSED USE: SFD & PIER & PILINGS
OWNERSHIP: 1 EXISTING USE: SFD
RESIDENTIAL CAT: 1
EFF #1BED: #2BED: #3BED. TOT BED TOT DWL
1 FAMILY BEDROOMS:

PASSWORD

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

TIME: 09:47:35 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/12/2000
DATE: 10/18/2000 BUILDING DETAIL 2 PLR 09:43:10

PERMIT #: B427915

BUILDING SIZE
FLOOR: 0
WIDTH:
DEPTH:
HEIGHT:
STORIES:

LOT NOS: 0
CORNER LOT

BLOCK.

LOT SIZE AND SETBACKS
SIZE
FRONT STREET
SIDE STREET
FRONT SETB DR.
SIDE SETB
SIDE SIP SETB:
REAR SETB. DL

ASSESSMENTS
LAND

GARBAGE DISP:
POWDER ROOMS:
BATHROOMS
KITCHENS:

ZONING INFORMATION
DISTRICT

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410- 887-3351 Extension _____
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

3-1/Pim

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

Violation Notice No. 118642

Case No.

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE BALTIMORE COUNTY CODE, ZONING OR OTHER CODES, REGULATIONS, AND POLICIES AS INDICATED BELOW.

Election District 1 3 Precinct Permit No.

Name (s)

Address

Location of Violation (if different than address) 401 Armistead Rd

Vehicle License No.: Vehicle ID:

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code: Fines for construction w/o permits
§§ 7-36
§§

Building Code (BOCA):
§§ 119.0 "Unsafe structure"
§§

Investment Property Act (7-66):
§§

Plumbing Code (NSPC):
§§

Zoning Regulations:
§§
§§

Livability Code (18-66):
§§
§§

Electrical Code (NEC):
§§

Dwelling (CABO):
§§ 111.1 Permit required

Other §§

COMMENTS OR OTHER VIOLATIONS:

Secure Permit for the removal + replacement of the structural elements of existing pier. Also, remove existing pier from under new. Subject to $1,000.00 plus $200.00/Day fine if not brought into compliance

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFOR _____ FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED (THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIC YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PRC PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF C INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: 9/11/00

DATE ISSUED: 8/28/00 INSPECTOR: Jim Kemp

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE PLEASE READ CAREFULLY.

DEFENDAN

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351, Extension
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE BALTIMORE COUNTY CODE, ZONING, OR OTHER CODES, REGULATIONS, AND POLICIES AS INDICATED BELOW:

Violation Notice No. 121782

Case No.

Election District 15 Permit No. B357141

Name (s) Stephania Maltowski

Address 401 Armstrong Rd

Location of Violation (if different than address):

Vehicle License No.: Vehicle ID:

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code: §§ 7-36 "Fines for construction w/o permit"
§§

Zoning Regulations: §§
§§

Building Code (BOCA): §§
§§

Livability Code (18-66): §§
§§

Investment Property Act (7-66): §§

Electrical Code (NEC): §§

Plumbing Code (NSPC): §§

Dwelling (CABO): §§ 111.1 "Permit required"

Other: §§

COMMENTS OR OTHER VIOLATIONS:

Permit B357141 has not been issued and work is 80% complete. Secure Permit or remove addition to prior. Note: Zoning Variance will be required as prior is less than 10' to extended property line. "Subject to $1,000 plus $200.00/Day Fine if not brought into compliance."

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE 9/26/00. FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: 9/11/00 INSPECTOR: Jim Kemp

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT.

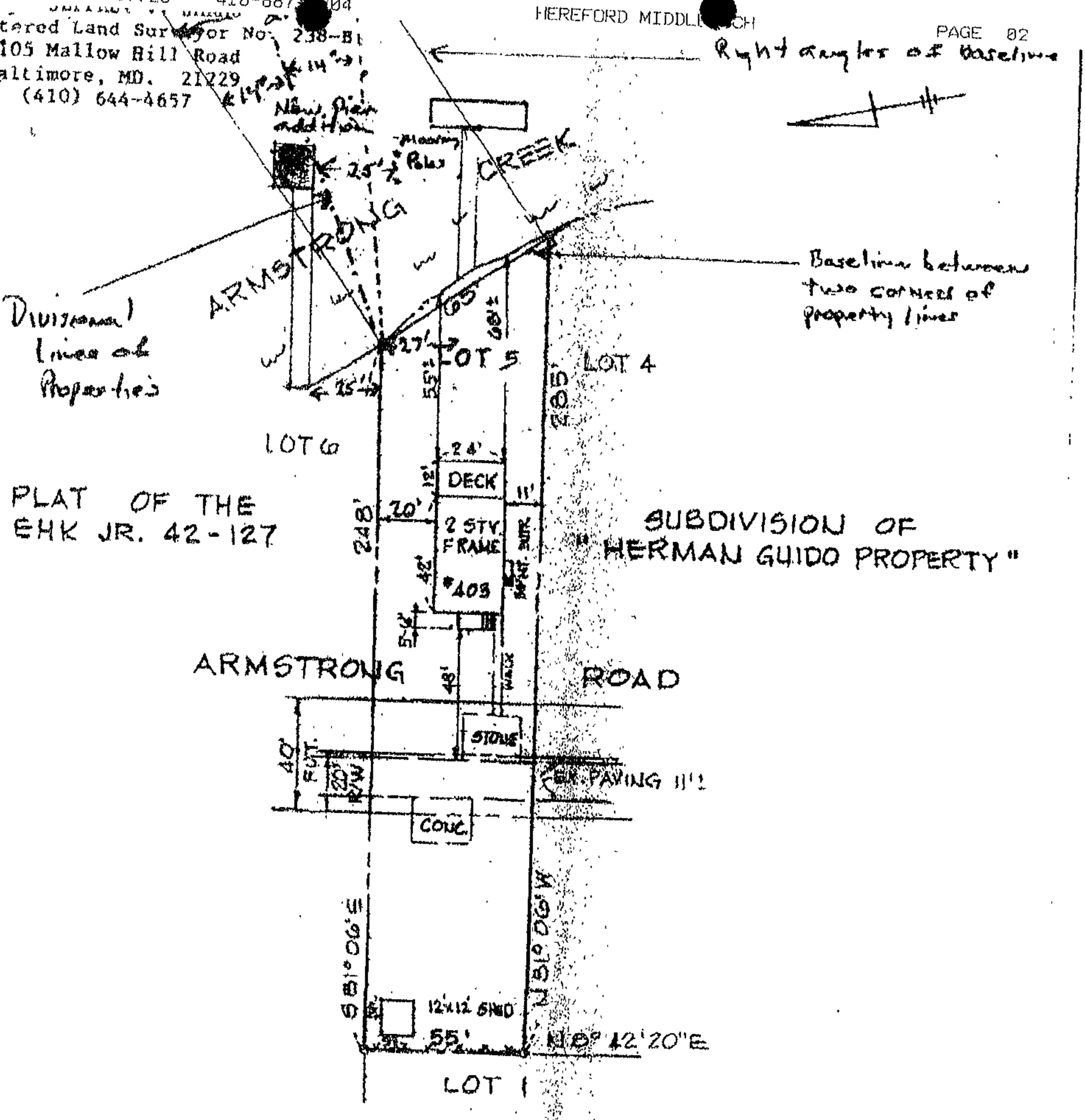
THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

DATE ISSUED: INSPECTOR:

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE. PLEASE READ CAREFULLY.

DEFENDANT

Registered Land Surveyor No. 238-B
105 Mallow Hill Road
Baltimore, MD. 21229
(410) 644-4657



This is to certify that I have surveyed the property shown hereon, known as 403 Armstrong Road, located in the 15th Election District of Baltimore County, Maryland, for the purpose of locating the improvements only and the improvements are located as shown. Exact property corners have not been established or set.

The subject property lies within the limits of Flood Hazard Zone A10 and Zone B as shown on Flood Insurance Rate Map No. 240010 04358 dated March 2, 1981.

Westminster, this 16th day of July, 1993.

JEFFREY V. JARAS

R.P.L.S. No. 238-B

SCALE: 1" = 50'

Yellow

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MARYLAND 21203

REPLY TO ATTENTION OF

March 31, 1983

NABOP-F-GP-2(Pier and/or Mooring Piles)

Ms. Stefanie Malkowski
401 Armstrong Road
Baltimore, Maryland 21220

Dear Ms. Malkowski:

This refers to your written request dated March 11, 1983 regarding authorization to perform work in navigable waters of the United States in accordance with the above referenced general permit.

Your particular attention is invited to condition seven of the general permit which stipulates that any State and/or local authorizations be secured and retained by the applicant prior to construction. Upon compliance with all conditions of the general permit, authorization to proceed with the proposed activity is hereby granted.

Therefore, this letter is your official notification to proceed. If you have any questions regarding this general permit, please do not hesitate to contact this office at (301) 962-4252.

Sincerely,

L. W. Shearer

L. W. SHEARER
Chief, Western Shore Permits Section
Regulatory Functions Branch

Incl
GP-2

cc: w/cy NAB 1321 to-
NOAA, Norfolk

RC: CONTROL SECTION

MORGAN(NABOP-FW)/dm, 4252
SHEARER(NABOP-FW-2)

DGT
1

WATERWAY AND LOCATION	FILE NUMBER	RECORD OF PERMITS
in Frog Mortar Creek, near Carrollwood, Baltimore Co., MD	83-0702	

STRUCTURE OR WORK

to construct an 84-ft. pier and to install four mooring piles, none of the work to extend more than 84 ft. channelward of the MHW shoreline

NAME AND ADDRESS OF APPLICANT

Ms. Stefanie Malkowski, 401 Armstrong Road, Baltimore, MD 21220

DATE OF APPLICATION	DATE RECEIVED	DATE ISSUED	ISSUED BY	DATE OF EXPIRATION
11 Mar 83	16 Mar 83	31 Mar 83	District Engineer	1 Dec 83

DATE FORWARDED TO PERMITTEE	TIME TO COMPLETE EXTENDED		CERTIFICATION RECEIVED
	DATE EXTENDED	EXTENDED TO	YES ☐ NO ☒

DATE INSPECTED	NAME OF INSPECTOR	DATE WORK STARTED	DATE WORK COMPLETED

REMARKS

Issued under GP-2

NADB Form 1101
Rev 5 Mar 73

REQUEST FOR AUTHORIZATION OF WORK UNDER DEPARTMENT OF THE ARMY GENERAL PERMIT

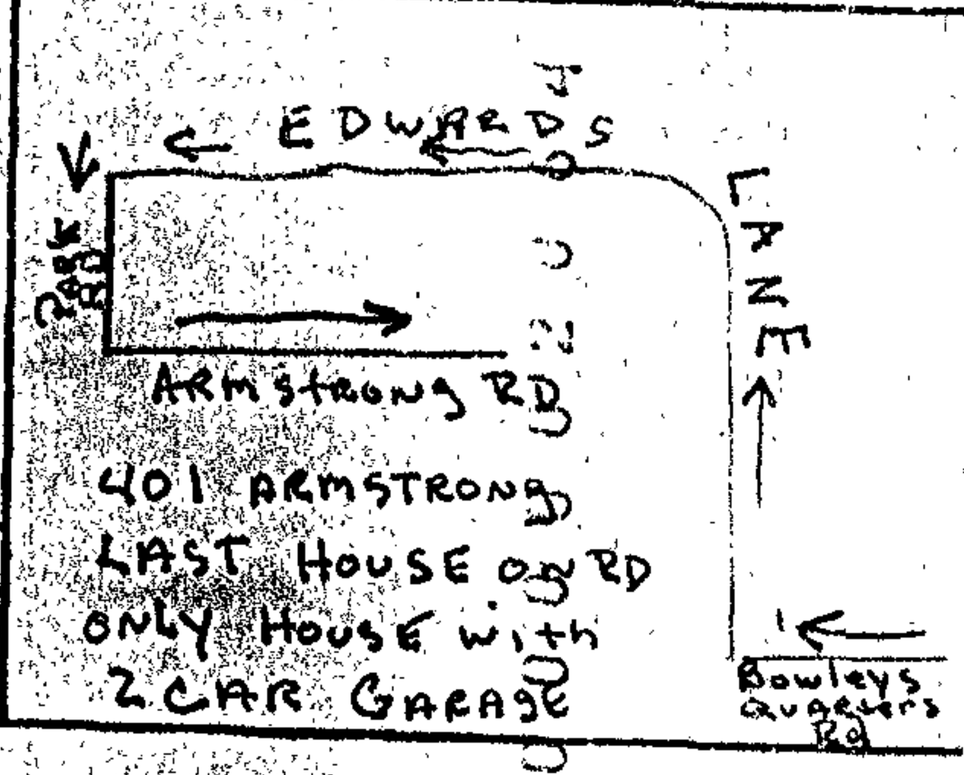
INSTRUCTIONS: The authorization contained in these general permits will not become effective for a particular project until this request has been submitted to the address below and acknowledgement of its receipt returned. After thoroughly reviewing the appropriate general permit, complete this form and forward to the District Engineer, U.S. Army Engineer District, Baltimore, P. O. Box 1715, Baltimore, Maryland 21203 not later than 30 days prior to expected date to begin construction. For work under general permits NABOP-F-GP-3 (Replacement Bulkhead) and NABOP-F-GP-6 (Riprap for Shore Protection) in the waters of Maryland, approval must be obtained from the Water Resources Administration, Department of Natural Resources, Tawes State Office Building, Annapolis, Md. 21401. Before these general permits become effective, a copy of this request with a tracing (plans) of the project, must be submitted to that office if application for a state license has not already been made.

NAME OF PROPERTY OWNER Stanislaw Malkowski MAILING ADDRESS 401 Armstrong Rd.
TELEPHONE NUMBER (Area Code) 301 335-4957 Balto. Md 21220
ADDRESS OF PROPERTY AT WHICH WORK IS TO BE PERFORMED (Include sufficient information to enable a Corps of Engineers inspector to locate property.)

WATERWAY Bronchy Creek COUNTY Balto.
COORDINATES: ° ' " W, ° ' " N
EXPECTED DATE TO BEGIN CONSTRUCTION Approx 3-21-83
EXPECTED DATE TO COMPLETE CONSTRUCTION Same
NAME OF CONTRACTOR Rebbien and Son

PREPARE LOCATION MAP

(Include sufficient detail to enable a Corps of Engineers inspector to locate property.)



CHECK AND COMPLETE APPROPRIATE SECTION

☐ NABOP-F-GP-2 (Piers and/or Mooring Piles)
MAXIMUM DISTANCE OF PIER AND/OR MOORING PILES CHANNELWARD OF MEAN HIGH WATER LINE
NUMBER OF MOORING PILES 4 NUMBER OF BOAT SLIPS NONE
APPROXIMATE WIDTH OF WATERWAY 500

☐ NABOP-F-GP-3 (Replacement Bulkhead) Include recent photographs of existing bulkhead from each end.
LENGTH OF EXISTING BULKHEAD TO BE REPLACED
VOLUME OF BACKFILL
SOURCE AND TYPE OF BACKFILL

☐ NABOP-F-GP-6 (Riprap for Shore Protection) Include recent photograph(s) of entire shoreline to be riprapped.
LENGTH OF SHORELINE TO BE RIPRAPPED
AVERAGE BANK HEIGHT
MAXIMUM CHANNELWARD EXTENT OF TOE OF RIPRAP FROM THE MEAN HIGH WATER LINE
VOLUME AND TYPE OF STONE (FILL)
IS ANY VEGETATION PRESENT IN AREA TO BE COVERED BY RIPRAP?
IF YES, APPROXIMATE PERCENTAGE OF AREA SUPPORTING ROOTED AQUATIC OR MARSH VEGETATION %

I have read and understand the referenced general permit(s) and intend to perform all work herein described in accordance with all their conditions.

DATE 3-11-83 SIGNATURE Stefania Malkowski
(PROPERTY OWNER)

NAB 1321
May

6A

6B

P61 6A/6B

6C

6D

PGT
6C-6D

WCR

County Board of Appeals of Baltimore County

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

February 14, 2002

NOTICE OF DELIBERATION

IN THE MATTER OF:

STEFANIA MALKOWSKI
Petitioner / Case No-01-156-A

Having heard this matter on 2/13/02, public deliberation has been scheduled for the following date /time:

DATE AND TIME : **THURSDAY, APRIL 11, 2002 at 9:30 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner : Raymond M. Atkins, Jr., Esquire
Appellant /Petitioner : Stefania Malkowski

Teresa Needle
Louis M. Clark
Robert J. Palmer
Donald J. Cox
Douglas Stevens

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt, Zoning Commissioner
Jim Kemp, CIE /PDM #00-6671
Arnold Jablon, Director /PDM

fyi: C.L.B.

FEB 15

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on Recycled Paper

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: * 01-156-A

Petitioner: STEFANIA MALKOWSKI

Address or Location: 401 ARMSTRONG Rd. 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: STEFANIA MALKOWSKI

Address: 401 ARMSTRONG Rd
Baltimore Md 21220

Telephone Number: 410-344-1038

Revised 2/20/98 - SCJ

01-156-A

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: _____

Subdivision name: _____

plat book# ____ ,folio# ____ ,lot# ____ ,section# ____

OWNER: _____

Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District:

Councilmanic District:

1"=200' scale map#:

Zoning:

Lot size: _____ acreage _____ square feet

	public	private
SEWER :	☐	☐
WATER :	☐	☐

	yes	no
Chesapeake Bay Critical Area:	☐	☐

Prior Zoning Hearings:

North

date: _____

prepared by: _____ Scale of Drawing: 1"= _____

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:

-15-

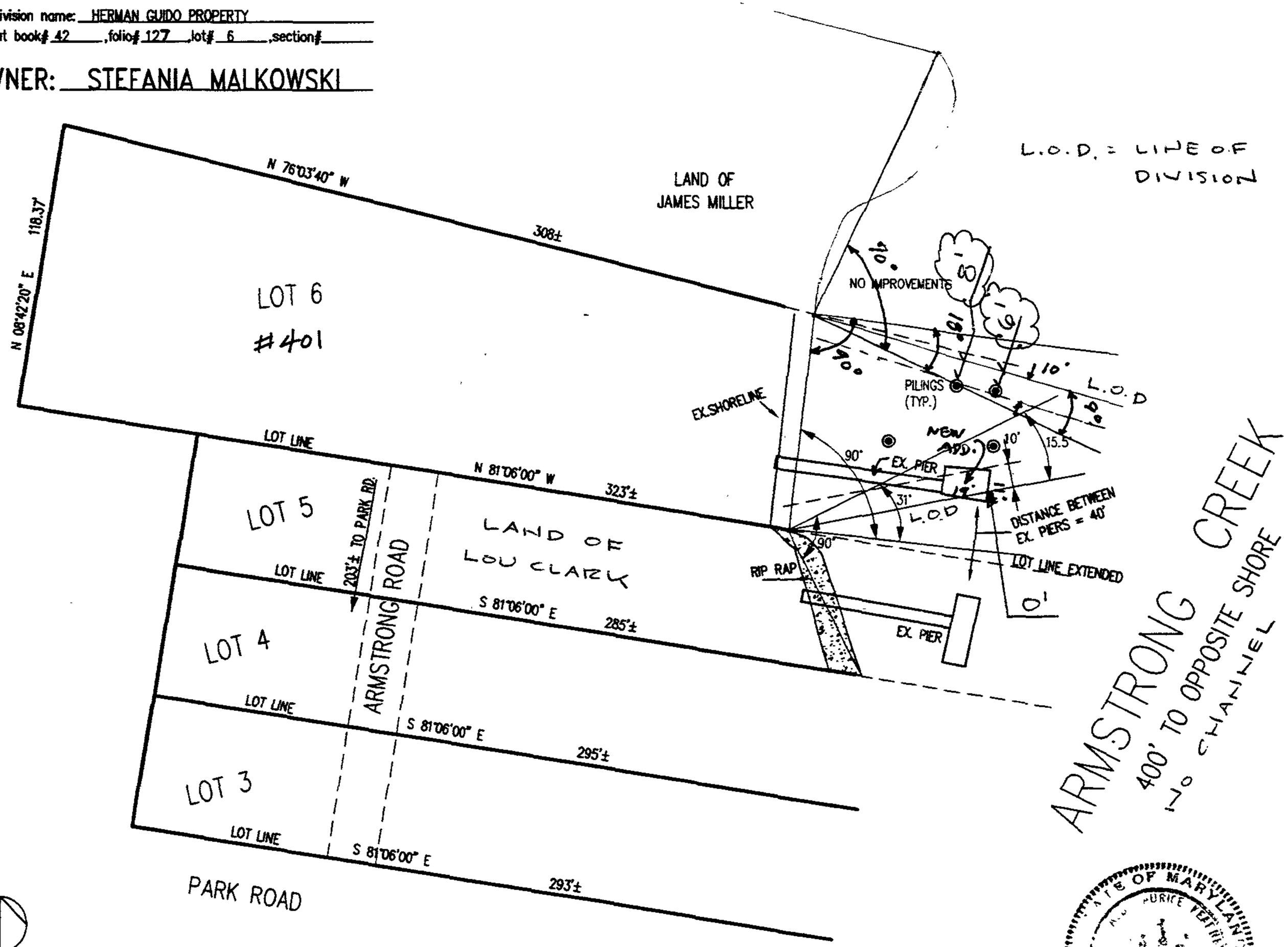
Plat to accompany Petition for Zoning [X] Variance [ ] Special Hearing

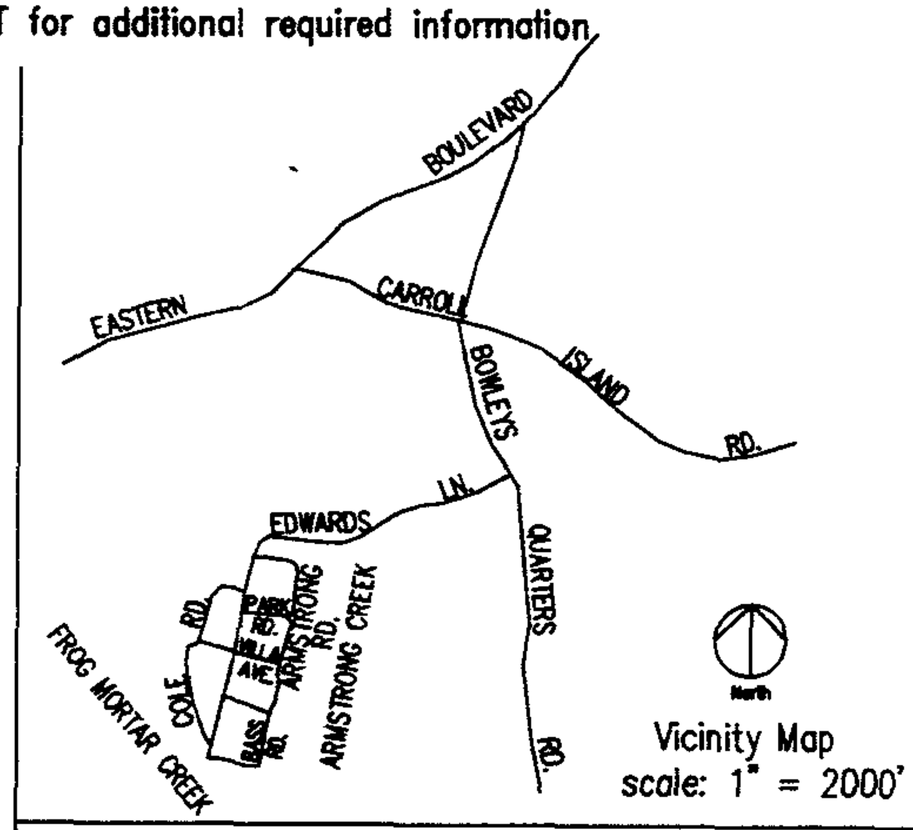
PROPERTY ADDRESS: 401 ARMSTRONG RD.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: HERMAN GUIDO PROPERTY
plat book# 42, folio# 127, lot# 6, section#

OWNER: STEFANIA MALKOWSKI





Vicinity Map
scale: 1" = 2000'

LOCATION INFORMATION

Counclimanic District: 5

Election District: 15

1" = 200' scale map#: NE-4K

Zoning: DR-5.5

Lot size: 0.70 ± acreage 33,000 ± square feet

	public	private
SEWER:	[X]	[ ]
WATER:	[X]	[ ]

	yes	no
Cheapeake Bay Critical Area:	[X]	[ ]

Prior Zoning Hearings: NONE

VIOLATION NO.: 118642

Pet Ex #1

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
LTM	156	01-156-A

date: 9/28/00 REV. 10/3/00

prepared by: J.E.C. Scale of Drawing: 1"= 50'

01-156-A

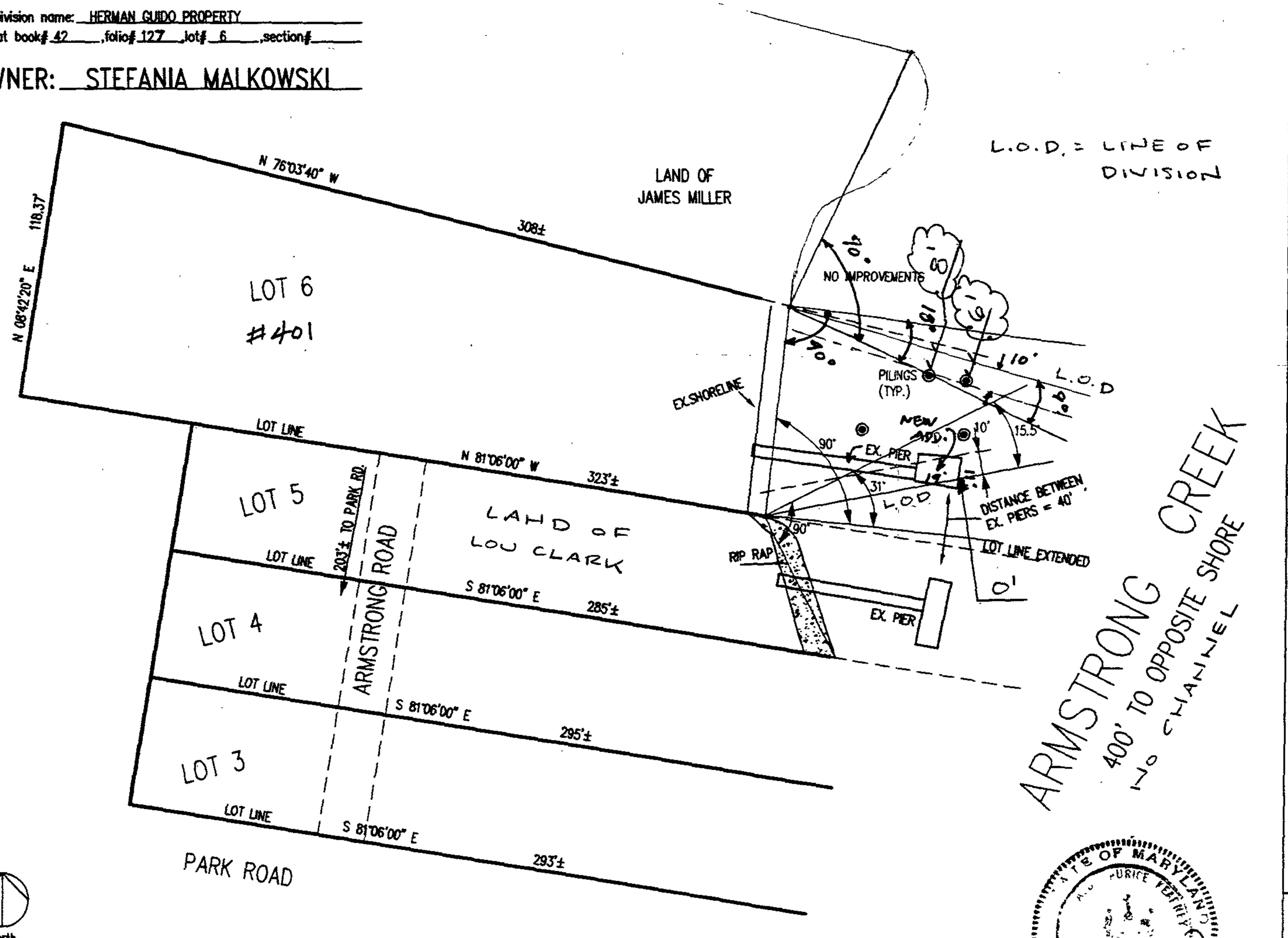
Plat to accompany Petition for Zoning [X] Variance [ ] Special Hearing

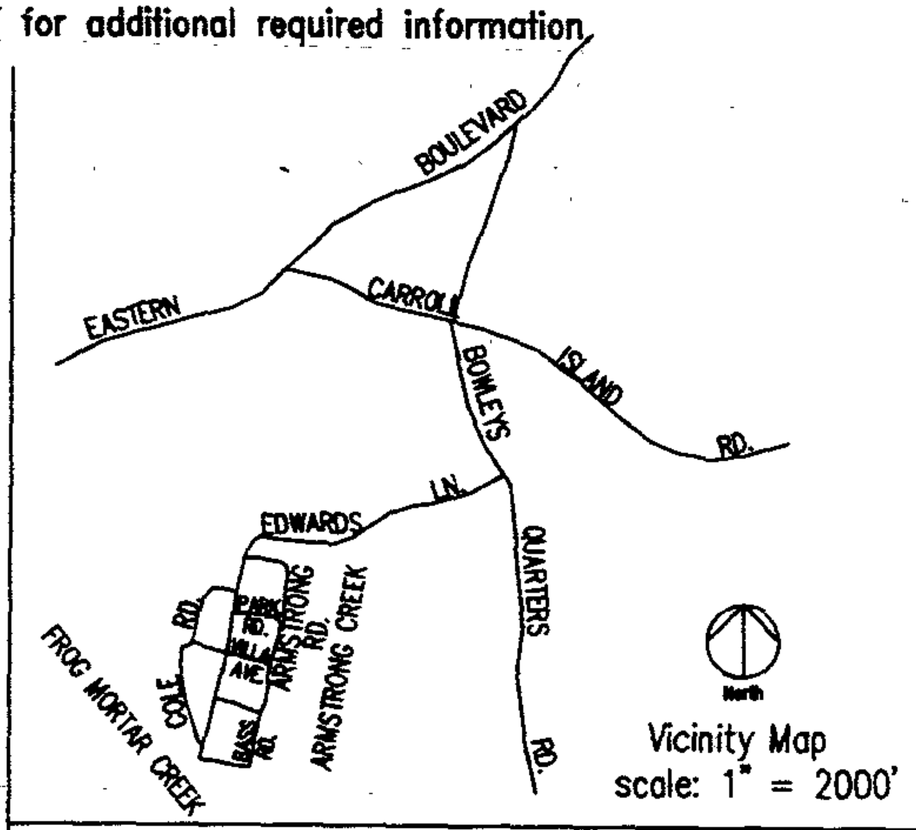
PROPERTY ADDRESS: 401 ARMSTRONG RD.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: HERMAN GUIDO PROPERTY
plat book# 42, folio# 127, lot# 6, section#

OWNER: STEFANIA MALKOWSKI





Vicinity Map
scale: 1" = 2000'

LOCATION INFORMATION

Councilmanic District: 5

Election District: 15

1" = 200' scale map#: NE-4K

Zoning: DR-5.5

Lot size: 0.70 ± acreage 33,000 ± square feet

	public	private
SEWER:	[X]	[ ]
WATER:	[X]	[ ]

	yes	no
Cheapeake Bay Critical Area:	[X]	[ ]

Prior Zoning Hearings: NONE

VIOLATION NO.: 118642

Pet Ex. #1

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
LTM	156	01-156-A

date: 9/28/00 REV. 10/3/00

prepared by: J.E.C. Scale of Drawing: 1"= 50'

01-156-A

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

December 13, 2000

Ms. Stefania Malkowski
401 Armstrong Road
Baltimore, Maryland 21220

Re: Petition for Variance
Case No. 01-156-A
Property: 401 Armstrong Road

Dear Ms. Malkowski:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Census 2000 For You, For Baltimore County Census 2000

Printed with Soybean Ink on Recycled Paper

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

Copies to:

Ms. Teresa Needle
1508 Denton Road
Baltimore, MD 21220

Mr. Louis M. Clark
403 Armstrong Road
Baltimore, MD 21220

Mr. Robert J. Palmer
415 Armstrong Road
Baltimore, MD 21220

Mr. Ronald J. Cox
405 Armstrong Road
Baltimore, MD 21220

Mr. Douglas Stevens
3415 Park Road
Baltimore, MD 21220

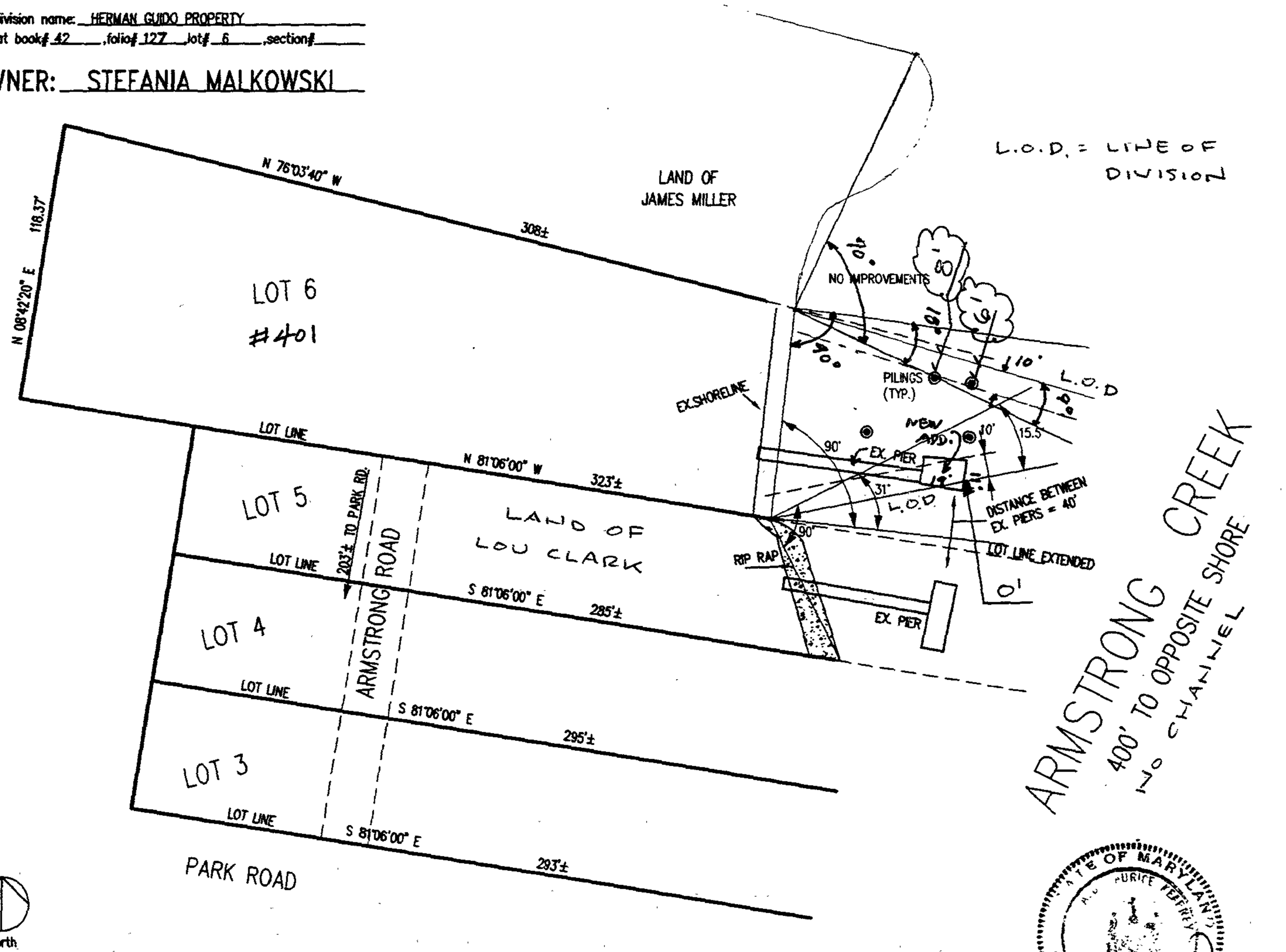
Plat to accompany Petition for Zoning [X] Variance [ ] Special Hearing

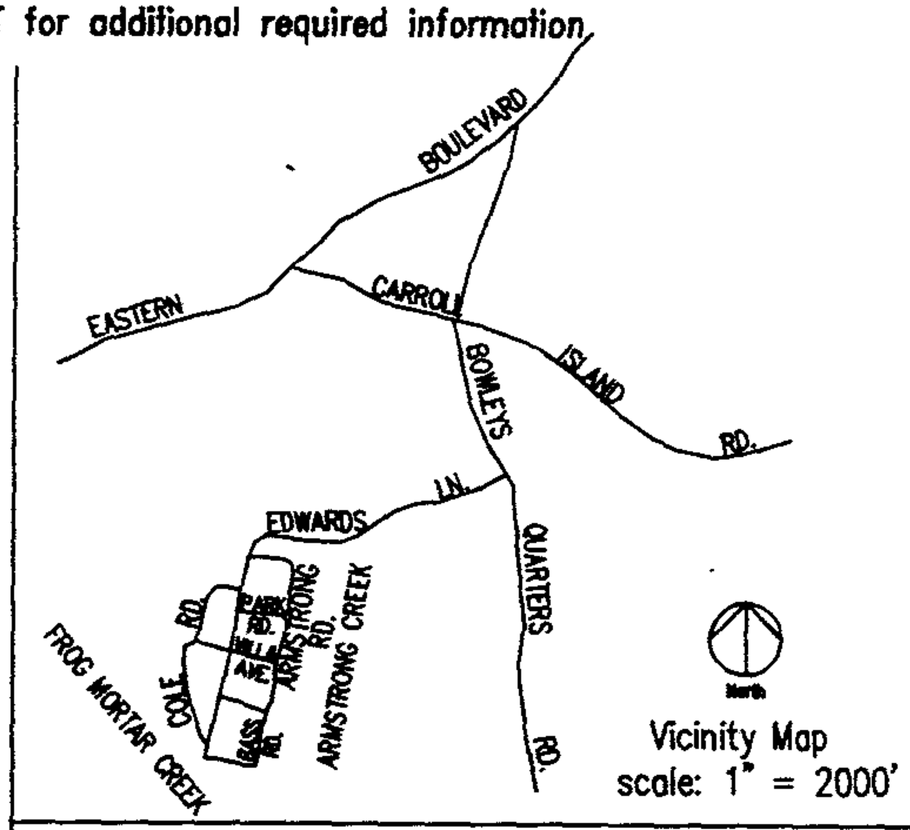
PROPERTY ADDRESS: 401 ARMSTRONG RD.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: HERMAN GUIDO PROPERTY
plat book# 42 ,folio# 127 ,lot# 6 ,section#

OWNER: STEFANIA MALKOWSKI





Vicinity Map
scale: 1" = 2000'

LOCATION INFORMATION

Counclimanic District: 5

Election District: 15

1" = 200' scale map#: NE-4K

Zoning: DR-5.5

Lot size: 0.70 ± acreage 33,000 ± square feet

	public	private
SEWER:	[X]	[ ]
WATER:	[X]	[ ]

	yes	no
Cheapeake Bay Critical Area:	[X]	[ ]

Prior Zoning Hearings: NONE

VIOLATION NO.: 118642

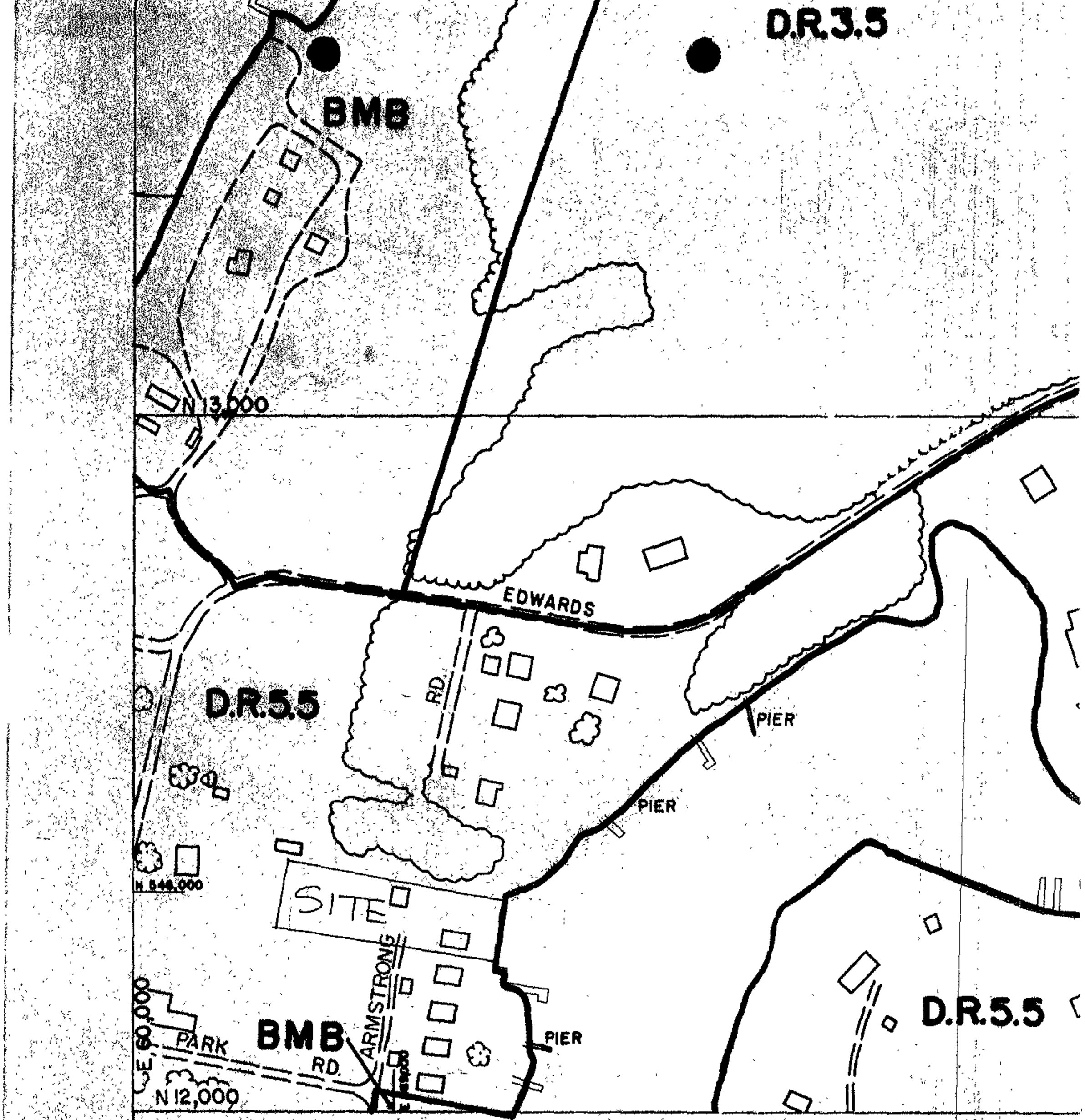
Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
LTM	156	01-156-A

date: 9/28/00 REV. 10/3/00

prepared by: J.E.C. Scale of Drawing: 1"= 50'

01-156-A



I-NE Z-NW

1996 COMPREH
AD
THE BALTIMO
OCT
Bills Nos. 129-96, 130-96, 1

Kevin
Chairma

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

ZONE 4K 1" = 200'

Zoning Map

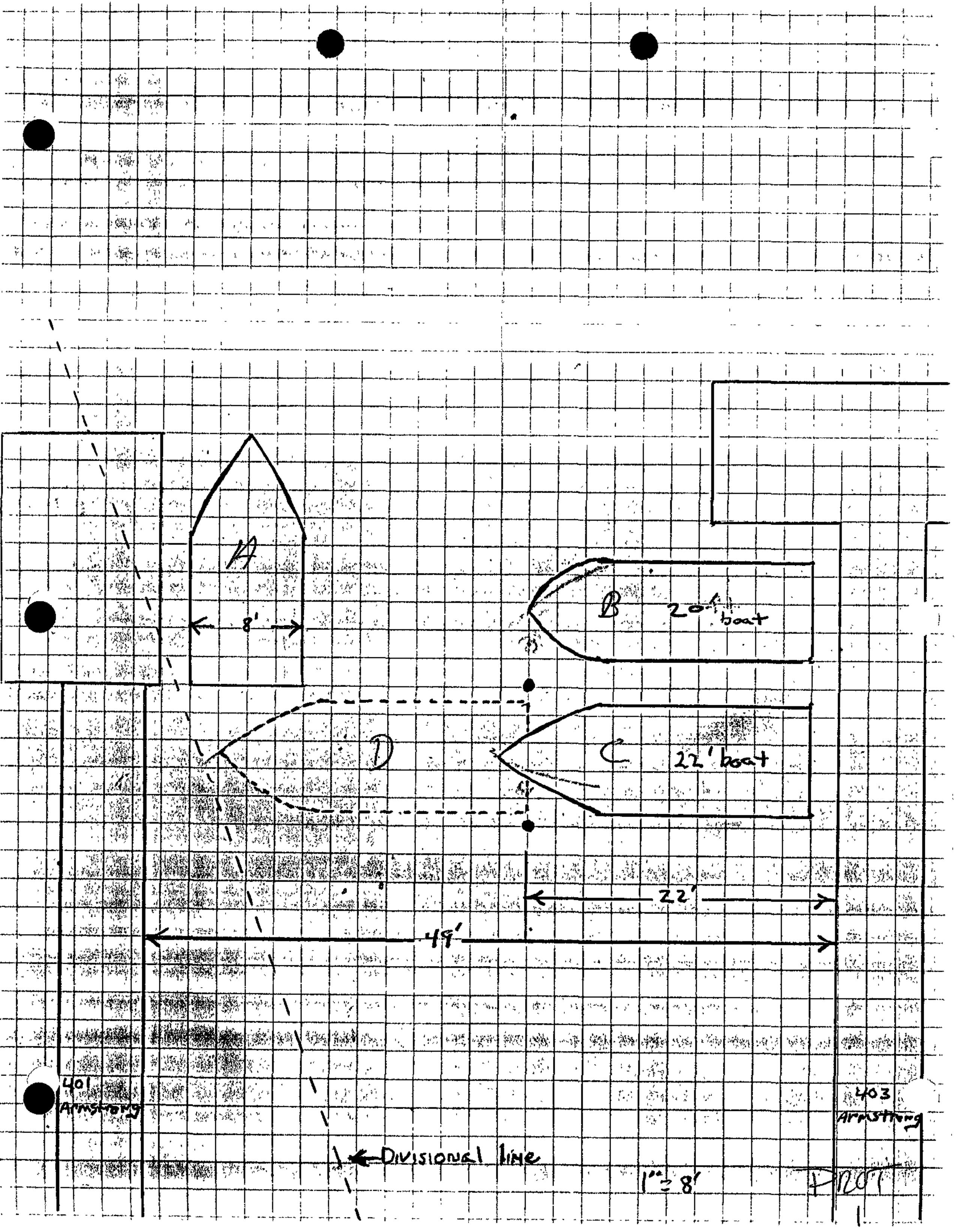
156 01-156-A

Verified 2/14/02

EXHIBITS
PROTESTANTS
~~APPLICANTS~~

01-156-A | MALKOWSKI | FEB 13, '02

Ancot 1 CLARK DRAWING OF 2 PLANS

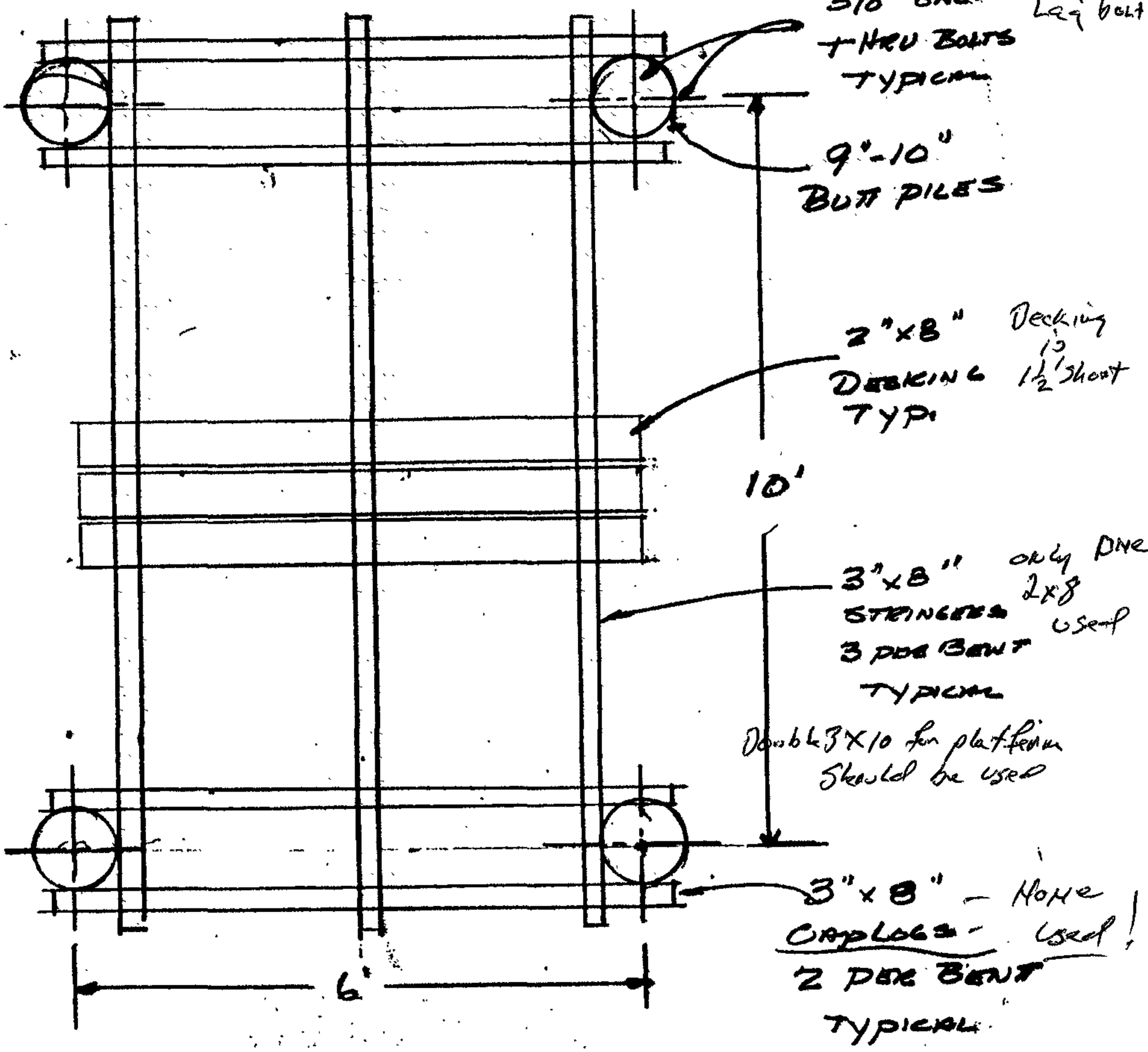

A
8'
B
20' boat
D
C
22' boat
22'
49'
401
Armstrong
403
Armstrong
Divisional line
1" = 8'

bein & Son, Inc.

)9
:, MARYLAND 21027
E: (301) 335-4037

Typical Pier Const.

- MARINE CONSTRUCTION
- PILE DRIVING
- BULKHEADS & PIERS
- MARINE SALVAGE
- BACKHOE SERVICE



All materials S.Y.P. #2 & Btr
Treated with C.C.A.

Baltimore County Zoning Review

Memo

To: Ms. Stefanie Malkowski

From: Lloyd T. Moxley
Planner II,
Baltimore County Zoning Review

Date: 10/10/00

Re: Petition for Variance Case No. 01-156-A

Revision to Petition

After meeting with my supervisor, I have amended the text as shown on the petition filed by you on October 5, 2000. Included with this memo is a copy of the revised petition for your files. Please call 410 887-3391 if you have any questions

MEMO / COPY OF REVISED PETITION
MAILED TO APPLICANT 10/10/00

01-156-A

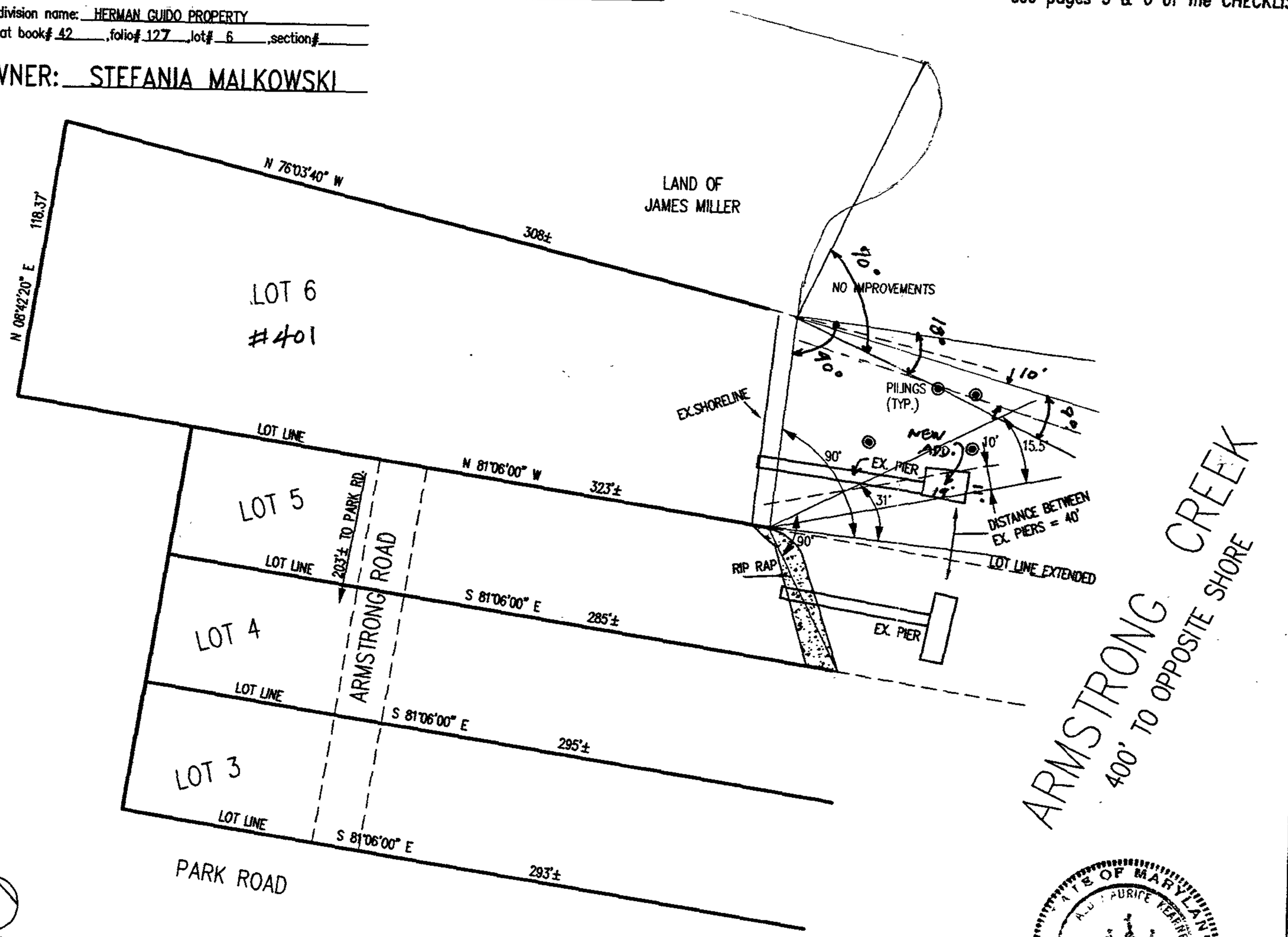
Plat to accompany Petition for Zoning [X] Variance [ ] Special Hearing

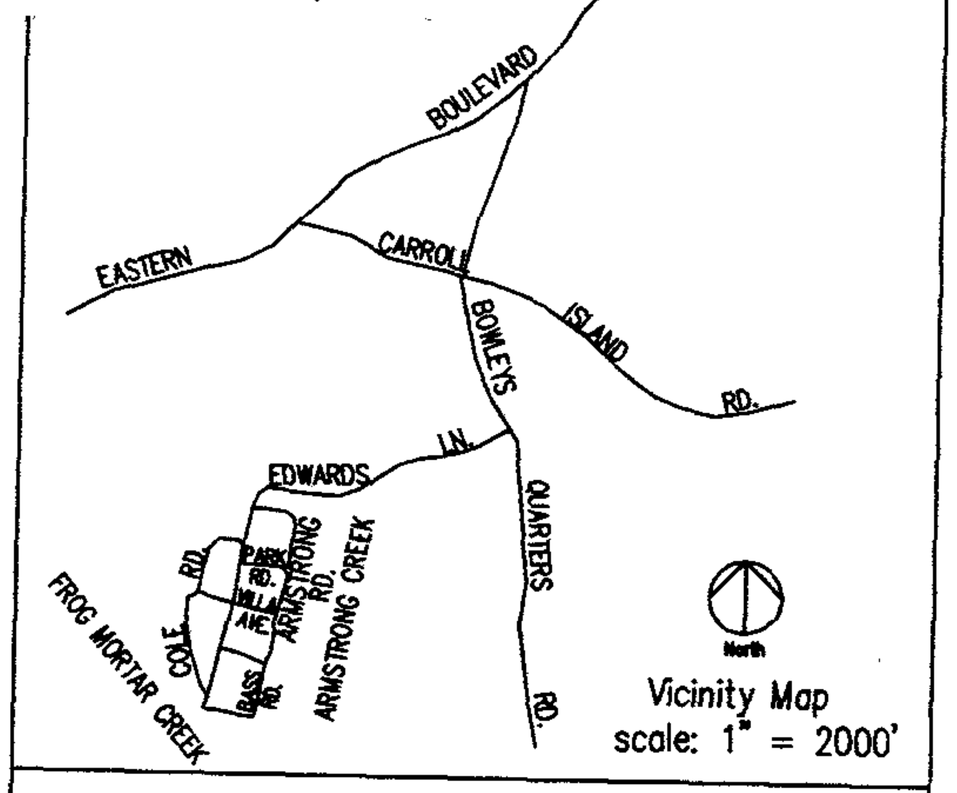
see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 401 ARMSTRONG RD.

Subdivision name: HERMAN GUIDO PROPERTY
plat book# 42, folio# 127, lot# 6, section#

OWNER: STEFANIA MALKOWSKI





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SEWER:	[X]	[ ]
WATER:	[X]	[ ]

	yes	no
Cheapeake Bay Critical Area:	[X]	[ ]

Prior Zoning Hearings: NONE

VIOLATION NO.: 118642

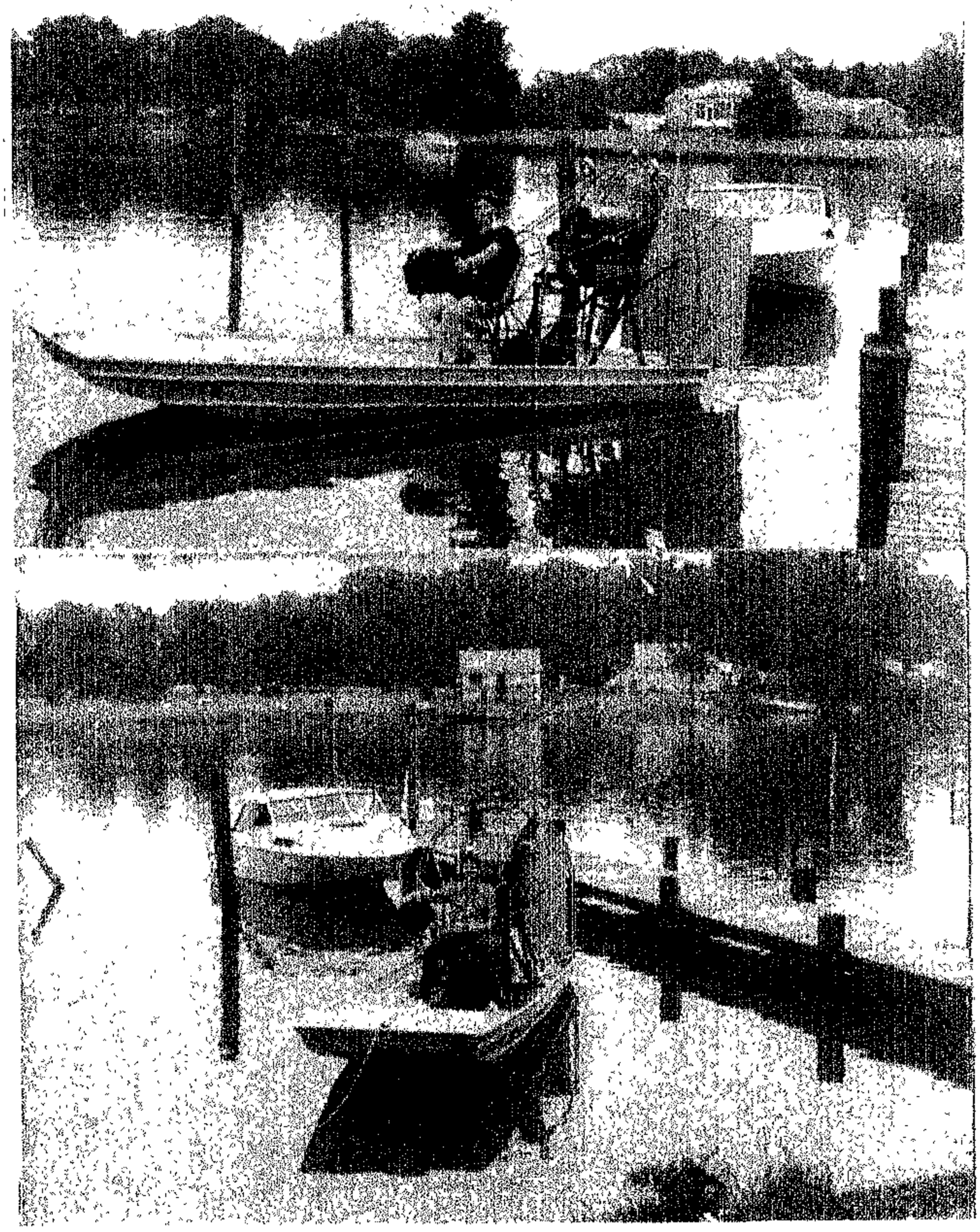
Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:

date: 9/28/00 REV. 10/3/00

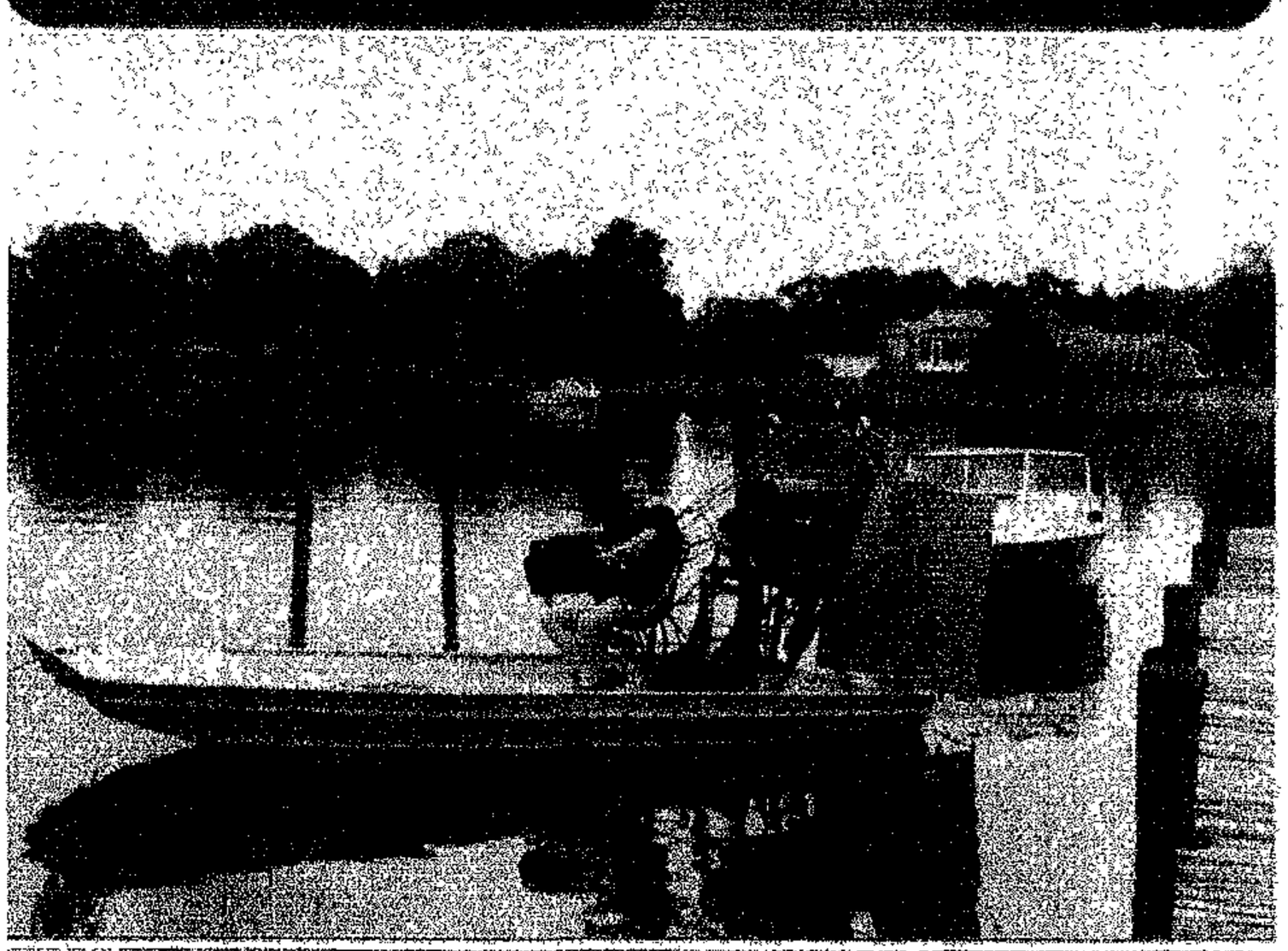
prepared by: J.E.C. Scale of Drawing: 1"= 50'

DET 3

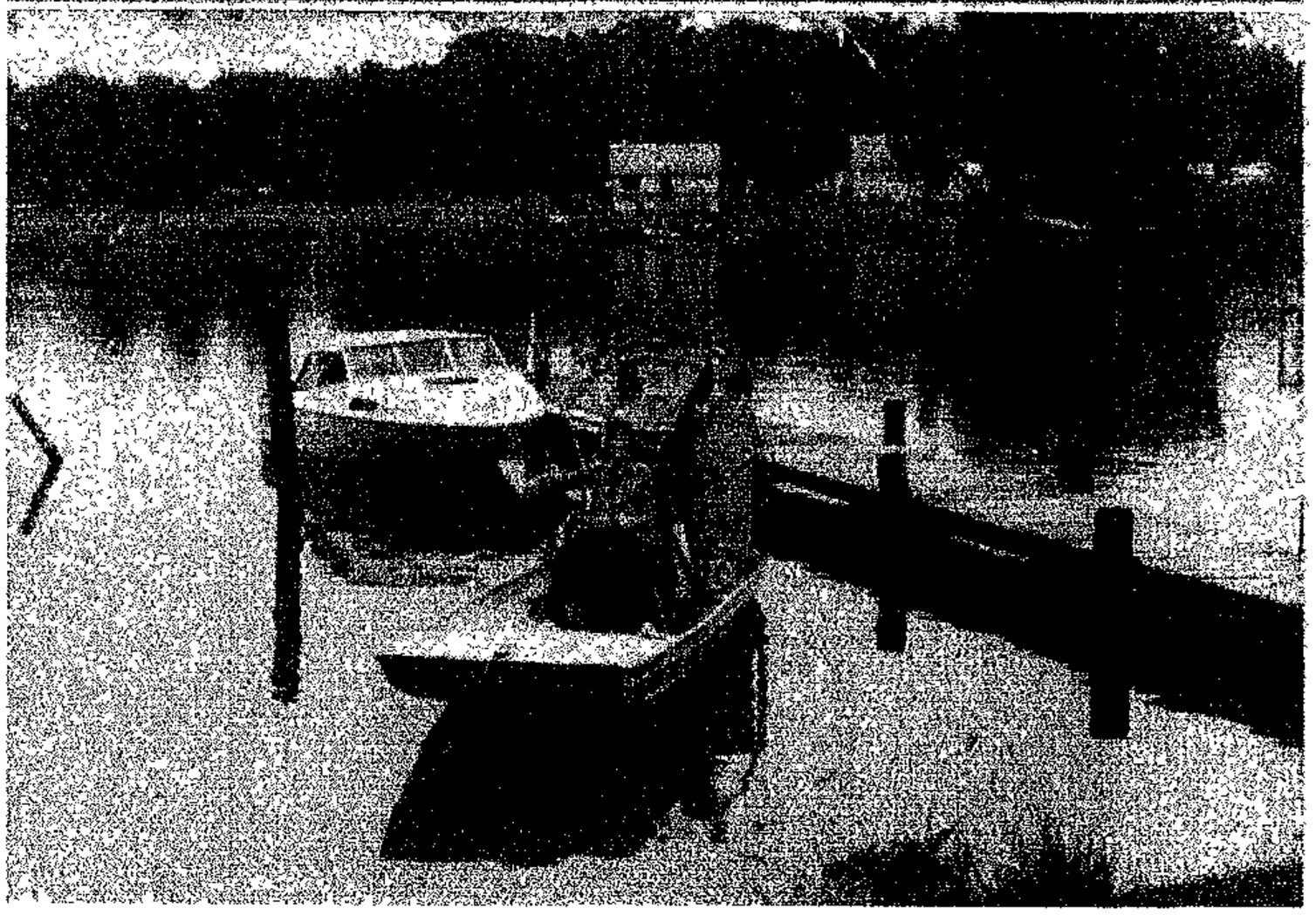


POT
7A
2D

7B



7C



7D

Pet Ex 2A

7E

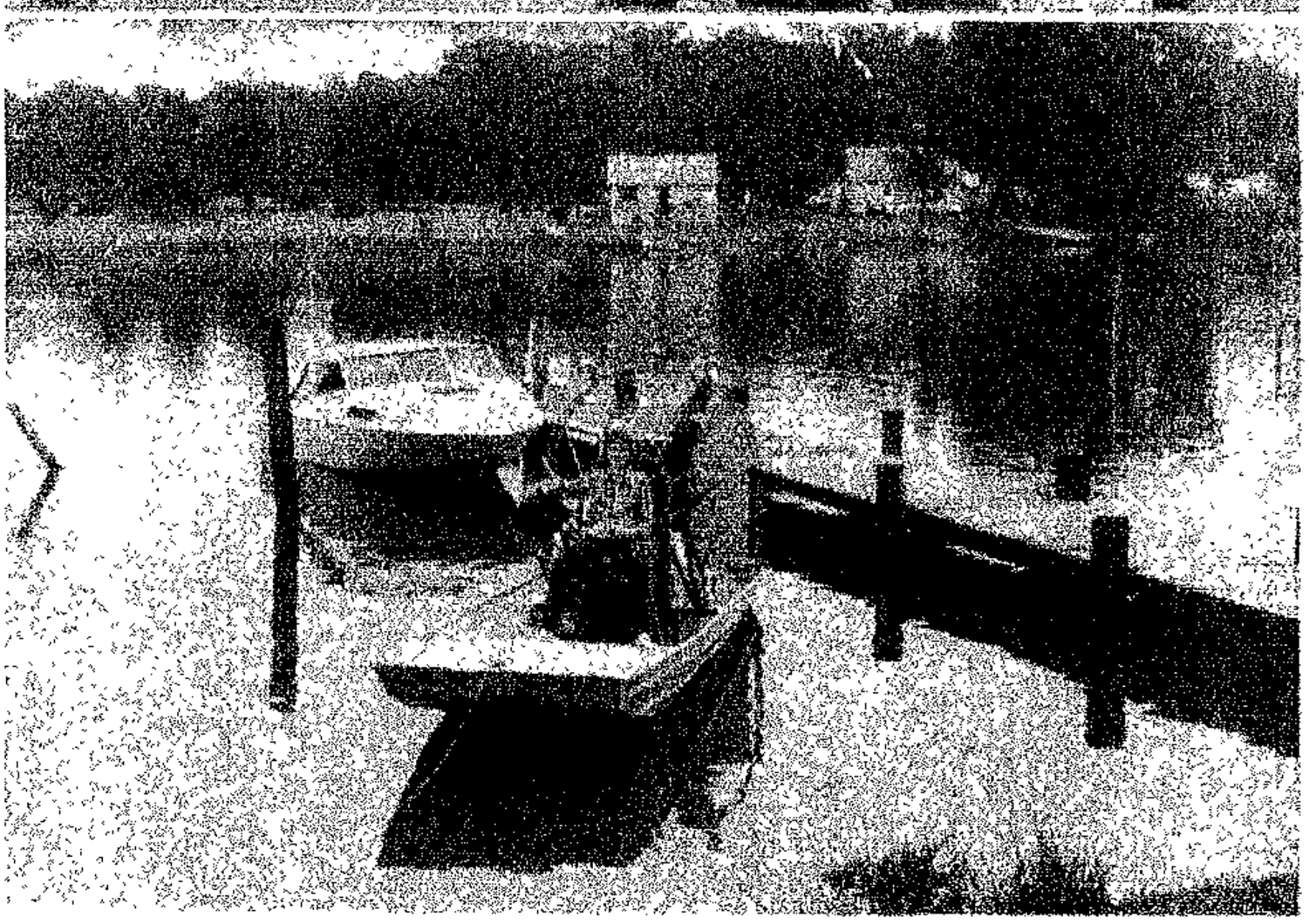
7F

7G

7B

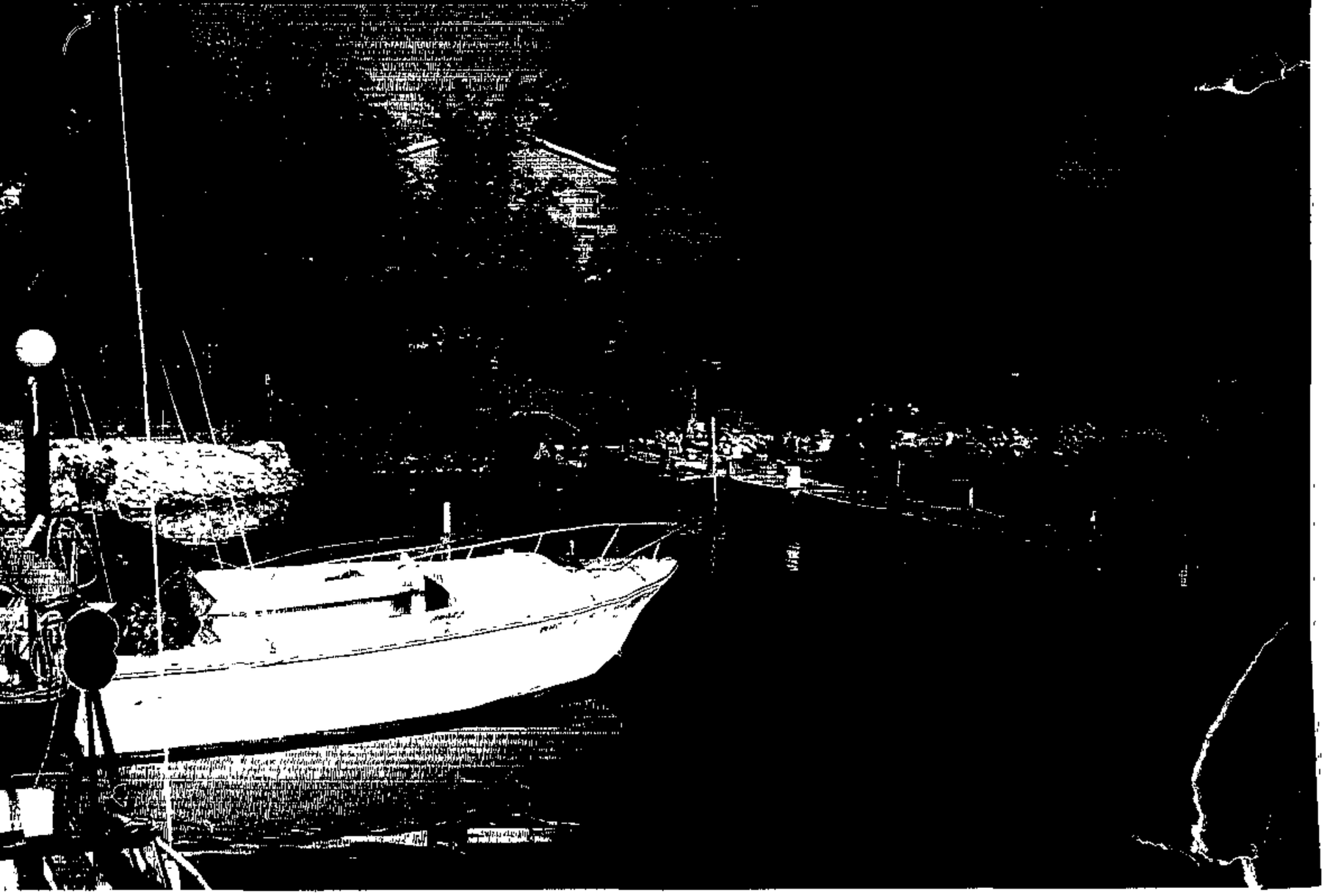
7H

7I



7J

7C



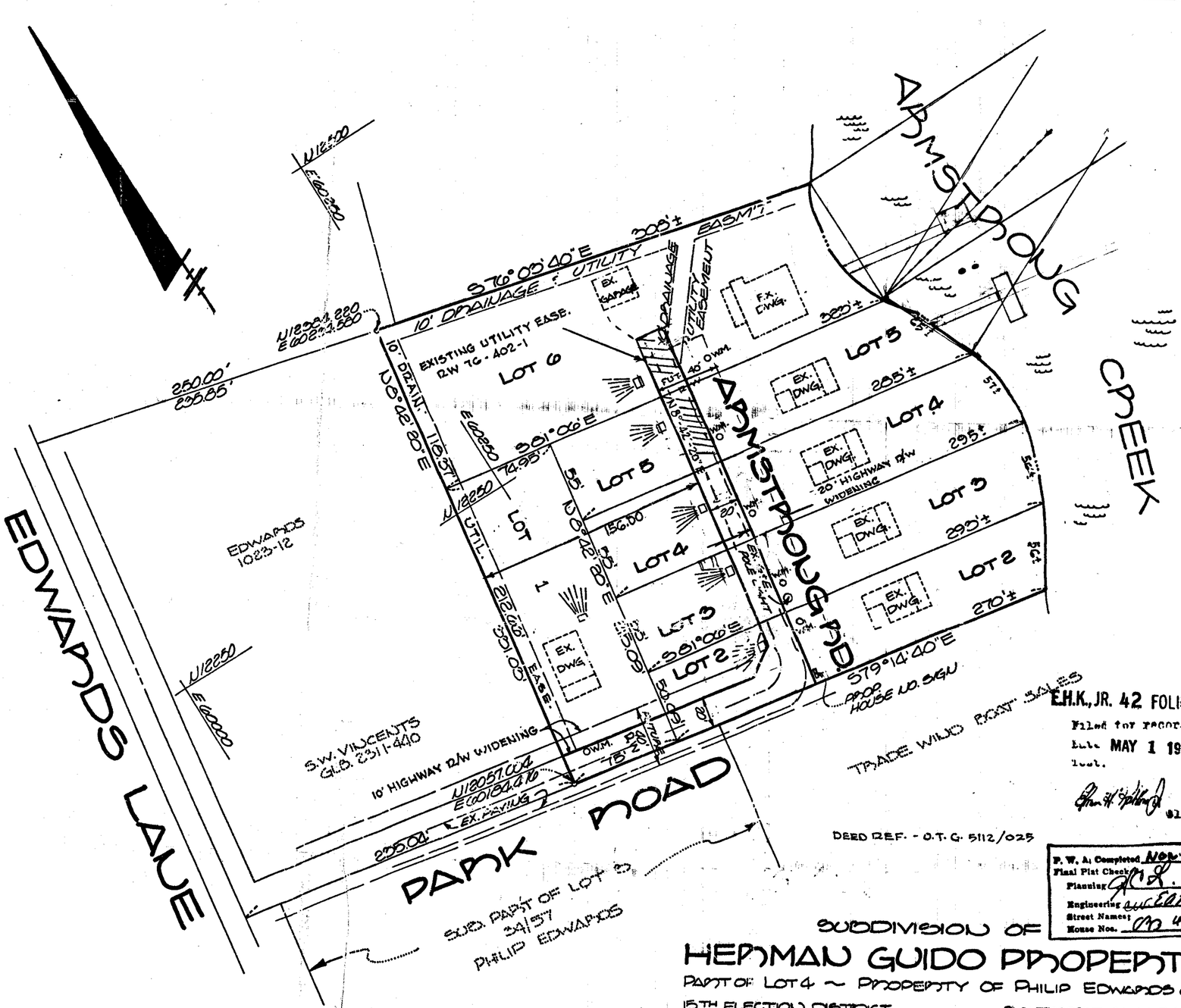
#4
before pier
24 ft boat
&
20 ft boat between poles

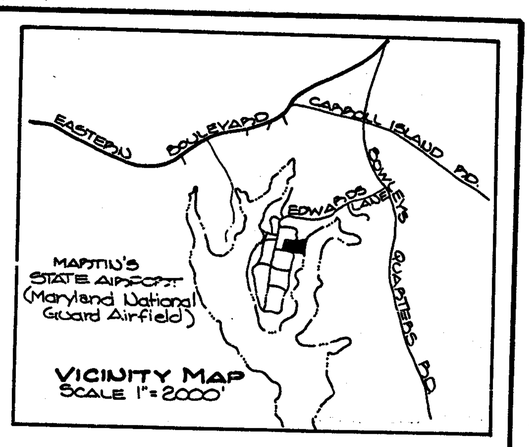
DET
6E

#5

DET
6F

#6
Sept 79





NOTES:

HIGHWAY AND HIGHWAY WIDENING, SLOPE, DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MD. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTO. CO., MD. AT NO COST.

STREETS AND/OR ROADS SHOWN HEREON AND MENTION THEREFOR IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED THEIR HEIRS AND ASSIGNS.

COORDINATES SHOWN ON THIS PLAT ARE BASED ON THE BALTO. COUNTY METROPOLITAN DISTRICT COORDINATE SYSTEM STATIONS: X-11859, X-11864

20' HWY. R/W & HWY. R/W WIDENING SHOWN ON PARK RD. AND ARMSTRONG RD. TO BE DEEDED AT NO COST TO BALTO. CO. UPON DEMAND.

SEPTIC TANKS TO BE CLEANED OUT EVERY TWO YEARS BY A REPUTABLE CO. UNTIL PUBLIC SEWERAGE IS AVAILABLE.

LOT NO. 2 IS 55' WIDE AT BLDG. LINE.

EXISTING ZONING - RD. 5.5
TOTAL ACREAGE - 2.70 AC.±
NO. OF LOTS - 6

E.H.K., JR. 42 FOLIO 127

Filed for record
Date MAY 1 1978
Test.
Clerk.

P. W. A. Completed None DHL
Final Plat Check
Planning
Engineering
Street Names
House Nos.

SUBDIVISION OF

HERMAN GUIDO PROPERTY

PART OF LOT 4 ~ PROPERTY OF PHILIP EDWARDS 8/30

15TH ELECTION DISTRICT
SCALE 1" = 50'

BALTIMORE COUNTY, MD.
FEBRUARY 21, 1978

DENOTES EX. PRIVATE SEWERAGE DISPOSAL SYSTEM

HIGHWAY'S DEPARTMENT OF BALTIMORE CO.
APPROVED FOR STREET ALIGNMENT & LOCATION

ROADS ENGINEER — DATE 4/27/78

APPROVED FOR BALTIMORE CO. HEALTH DEPT.

DEPUTY STATE & CO. HEALTH OFFICER — DATE 4/27/78

APPROVED FOR BALTO. CO. PLANNING BD.

DIRECTOR — DATE 4/27/78

OWNER'S CERTIFICATE:

THE REQUIREMENTS OF SECTION 59 TO 62 ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1957 EDITION (TITLE: CLERKS OF THE COURT, SUB-TITLE: CLERKS OF THE CIRCUIT COURTS) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

HERMAN GUIDO

Herman Guido — OWNER — DATE 2-12-78

SURVEYOR'S CERTIFICATE:

I, FRANK S. LEE, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF MARYLAND DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT AND THE PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATING TO THE SUBDIVISION OF LAND KNOWN AS HOUSE BILL NO. 653 CH. 1016 OF THE ACTS OF 1945 AND SUBSEQUENT ACTS AMENDATORY THEREETO

Frank S. Lee — REG. LAND SURVEYOR # 11 — DATE 2-21-78

FRANK S. LEE
REGISTERED LAND SURVEYOR
1277 NEIGHBORS AVE.
BALTIMORE, MARYLAND

STATE OF MARYLAND — FRANK S. LEE — No. 11 — REGISTERED — PROPERTY LINE SURVEYOR

1-NE 2-NW

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		
	BY	DATE
	JSR	2/3/83

SCALE
1" = 200'
DATE OF PHOTOGRAPHY DEC. 1954

Topography Compiled By Photogrammetric Methods ABRAMS AERIAL SURVEY CORP. LANSING MICH.

LOCATION	SHEET
BENGIES BOWLEYS QUARTERS	#156 N.E. 4-K

01-156-A